

## NEAR EAST AND NORTH AFRICA

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### ALGERIA

President Abdelaziz Bouteflika was elected in April 1999 to a 5-year term. Bouteflika had served as Foreign Minister in a previous government. The President is the constitutional head of state, appoints and dismisses the Prime Minister, and may dissolve the legislature. According to the Constitution, the Prime Minister appoints the cabinet ministers; however, in practice the President has taken a key role in designating the members of the Cabinet. The military establishment strongly influences defense and foreign policy. Bouteflika was regarded throughout the 1999 election campaign as the candidate most favored by the dominant security establishment and the most likely winner. At the end of the campaign, the other six candidates withdrew, credibly charging massive fraud by the military, and Bouteflika was elected easily, although with a turnout as low as 30 percent. The presidential election campaign was marked by increased openness; however, international observers and political parties pointed out numerous problems with the conduct of the elections. A September 16, 1999 national referendum, which asked citizens whether they agreed with Bouteflika's peace plan (which includes an amnesty program for the extremists fighting to overthrow the Government), was free of charges of fraud, and Bouteflika's peace plan won a reported 98 percent majority, with a reported 85 percent turnout. Bouteflika is not affiliated formally with any political party, but he has the parliamentary support of a seven-party coalition. In June 1997, Algeria held its first parliamentary elections since January 1992 and elected the first multiparty parliament in the country's history. The cancellation of the 1992 elections, which the Islamic Salvation Front (FIS) was poised to win, suspended the democratization process and a transition to a pluralistic republic, and escalated fighting, which still continues, between the security forces and armed insurgent groups seeking to overthrow the Government and impose an Islamic state. The Government does not always respect the independence of the judiciary.

The Government's security apparatus is composed of the army, air force, navy, the national gendarmerie, the national police, communal guards, and local self-defense forces. All of these elements are involved in counterinsurgency and counterterrorism operations and are under the control of the Government. The security forces committed serious human rights abuses, although allegations of such abuses continued to decline.

The economy is slowly developing from a state-administered to a market-oriented system. The Government has implemented stabilization policies and structural reforms. However, privatization of state enterprises has made little progress, and there has been little progress on reform of the banking and housing construction sectors. The state-owned petroleum sector's output represented about a quarter of national income and more than 96 percent of export earnings during the year. Non-competitive and unprofitable state enterprises constitute the bulk of the nonhydrocarbon industrial sector. The agricultural sector, which produces grains, fruit, cattle, fiber, vegetables, and poultry, makes up 10 to 12 percent of the economy. Algeria is a middle-income country; annual per capita income is approximately \$1,600. Officially, about 30 percent of the working-age population is unemployed, and about 70 percent of persons under the age of 30 cannot find adequate employment.

Despite measurable improvements, particularly in addressing problems of torture and arbitrary detention, the human rights situation was generally poor and serious problems persisted, including significant government restrictions on citizens' political and association rights and failure to account for past disappearances; the massacre of civilians by armed terrorist groups also continued. There are significant limitations on citizens' right to change their government. The security forces committed extrajudicial killings, tortured, beat or otherwise abused detainees, and arbitrarily arrested and detained, or held incommunicado, individuals suspected of in-

volvement with armed Islamist groups; however, the incidence of such abuses by security forces continued to decline. Security force involvement in disappearances from previous years remains unresolved. Security forces sometimes reach the sites of massacres too late to prevent or halt civilian casualties; however, there were no reports that security forces were complicit in massacres that took place during the year. An international nongovernmental organization (NGO) noted during the year that the country's poor prison conditions improved during the year. Prolonged pretrial detention and lengthy trial delays are problems, although the practice of detention beyond the legal limit appears to be less frequent. Although the Constitution provides for an independent judiciary, executive branch decrees restrict some of the judiciary's authority. The authorities do not always respect defendants' rights to due process. Illegal searches and infringements on citizens' privacy rights also remained problems.

There was no overt censorship of information; however, while the print media is relatively free, news media practiced self censorship. Newspapers reported frequently on terrorist violence and on surrenders under the amnesty program, about which there was a wide range of views expressed in the media. The independent press commented openly and regularly on political matters and other significant issues. In some cases, newspapers represented specific political and economic interests. Electronic media continued to express only government policy. The Government also continued to restrict freedom of speech, press, assembly, association, and movement, although to a lesser degree than in the previous year. The Government also places some restrictions on freedom of religion. During the April 1999 presidential election, the candidates who ultimately withdrew from the election credibly reported irregularities, such as government ballot-box stuffing through manipulation of military votes. During the 1997 legislative, municipal, and provincial elections, there were credible reports of irregularities, such as government harassment of opposition-party observers and fraud in vote-tally procedures. Amnesty International, Human Rights Watch, Reporters Without Borders, and the International Federation of Human Rights Leagues (FIDH) visited the country during the year at the invitation of the Government. Domestic violence against women, the Family Code's limits on women's civil rights, and societal discrimination against women remained serious problems. Child abuse is a problem. Amazigh (Berber) ethnic, cultural, and linguistic rights continue to be an issue, although these concerns are represented by at least two political parties with seats in Parliament. Child labor is a problem.

Armed groups committed numerous serious abuses and killed hundreds of civilians. There was an increase in violence compared with 1999. Armed terrorists continued their widespread campaign of insurgency, targeting government officials, families of security-force members, and civilians. Many of the killings appeared to be related to opposition to the amnesty program. According to the Government, more than 5,000 insurgents have availed themselves of the amnesty program so far, and the armed groups have become smaller; however, a hard-core insurgent force remains.

Armed groups killed numerous civilians, including infants, in massacres and with small bombs. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately. Some killings also were attributed to revenge, banditry, and land grabs. Press reports estimated that approximately 2,500 civilians, terrorists, and security force members died during the year in domestic turmoil. The violence now seems to take place primarily in the countryside, as the security forces largely have forced the insurgents out of the cities. There were numerous instances in which armed groups kidnaped women, raped them, and forced them into servitude.

After his 1999 election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the previous 8 years placed the total at about 100,000.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—The security forces committed extrajudicial killings, mostly during clashes with armed terrorist groups, although the number of such killings continued to decrease during the year. For example, in early March, the army found and killed 12 suspected terrorists 280 miles southwest of Algiers. On June 20, troops backed by gunships and artillery attacked guerrillas, killing 16 persons. Security force killings of terrorists decreased by approximately 10 percent compared to 1999. The Government maintains that security forces resort to lethal force only in the context of armed clashes with terrorists. The Government also contends that, as a matter of policy, disciplinary action is taken against soldiers

or policemen who are guilty of violating human rights, and such disciplinary action reportedly was taken during the year. Human Rights Watch and other groups claim that security forces failed to intervene in some past situations to prevent or halt massacres of civilians, although there were no claims that this occurred during the year.

One person died from the injuries he sustained in June after police rounded up and beat 200 persons who had been attending a local mosque (see Section 1.c.).

In December 1999, one person died of a heart attack the day after being beaten by police who had responded to a terrorist attack in the town of Dellys. The case received considerable print-media attention, and the government-funded National Observatory for Human Rights (ONDH) investigated the incident. After the investigation and ensuing trials, 21 members of the security forces were prosecuted and the local commanders of 2 different security services were investigated and suspended from their duties.

There were reports that progovernment militia killed one or two civilians during the year. The Government handled the killings as common murder cases.

On November 22, 1999, prominent FIS leader Abdelkader Hachani, who had spoken out in favor of peace and reconciliation, was shot and killed in Algiers. On December 13, 1999, authorities arrested a suspect, who had the murder weapon in his possession. The Government completed its investigation into the incident, but had not made public the results by year's end.

Armed groups targeted both security-force members and civilians, and such killings increased by approximately 20 percent compared with 1999. In many cases, terrorists randomly targeted civilians in an apparent attempt to create social disorder. Armed groups killed numerous civilians, including infants, in massacres and with small bombs. Bombs left in cars, cafes, and markets killed and maimed persons indiscriminately (see Section 1.g.). Some killings also were attributed to revenge, banditry, and land grabs. The violence now seems to take place primarily in the countryside, as the security forces largely have forced the insurgents out of the cities. Increasingly the killing of civilians appeared to be a result of opposition to President Bouteflika's amnesty program and to facilitate the theft of goods needed by the armed groups. As well as the use of small bombs, terrorist tactics included creating false roadblocks outside the cities by using stolen police uniforms, weapons, and equipment. Press reports estimated that approximately 2,500 civilians, terrorists, and security force members died during the year in domestic turmoil. For example, on March 18, terrorists killed 19 persons, including 7 children, during the Eid festival. On May 4, militants killed 19 persons and injured 26 when they reportedly opened fire on a bus after the driver refused to stop at a false roadblock 45 miles south of Algiers. There was an increase in violence during the summer. More than 200 persons reportedly were killed during July alone. On July 11, militants shot and killed 11 men who were sleeping in their tents while camping in Tipaza. At least nine persons were killed on July 17 when an armed group stopped their bus and sprayed it with machine-gun fire. On July 28, 270 miles west of Algiers, militants killed eight civilians and wounded six in an attack on a nomad family, cutting the throats of six children between the ages of 6 months and 4 years. On September 20, six persons, including three children, reportedly were shot and killed during an ambush by militants. On December 16, armed intruders killed 16 students and a security guard, and injured 5 other students at a high school dormitory in the town of Medea. On December 17, terrorists opened fire on a bus near the town of Tenes, killing 14 travelers. After his 1999 election, President Bouteflika acknowledged that a more accurate accounting of the number of persons killed during the previous 8 years placed the total at about 100,000.

*b. Disappearance.*—There were no credible reports during the year of disappearances in which the security forces were implicated. However, there have been credible reports of disappearances occurring over a period of several years, many of which involved the security forces. In September 1998, the Ministry of Interior established an office in each district to accept cases from resident families of those reported missing. In May the Ministry of Justice reported that it had received 3,019 complaints of disappearance and had clarified 1,146 of them. However, credible sources state that the offices have not provided any useful information to the families of those who disappeared. By year's end, the Ministry of Interior had agreed to investigate 4,700 cases. The Ministry reports that it has provided information to the families in 3,000 of those cases. In 1,600 of the cases, families have requested administrative action to obtain death certificates for their missing relatives. However, there were no prosecutions of security-force personnel that stemmed from these cases. Families of the missing persons, defense attorneys, and local human rights groups insist that the Government could do more to solve the outstanding cases. The Government asserts that the majority of reported cases of disappearances

either were committed by terrorists disguised as security forces or involved former armed Islamist supporters who went underground to avoid terrorist reprisals.

In September Amnesty International reported that more than 4,000 persons had disappeared since 1994 after being detained by security forces. AI stated that some died in custody from torture or were executed, but that many others reportedly were alive. Local NGO sources state that a few of the persons who disappeared have been released from captivity by the security forces, but that there has been no public information about these cases, due to the fear of reprisal against those released. Human rights activists assert that a number of the persons who disappeared still are alive in the hands of the security forces, but offer no evidence to support this assertion.

Terrorist groups continued to kidnap scores of civilians. In many instances the victims disappeared and the families were unable to obtain information about their fate. Armed groups kidnaped young women and held them captive for extended periods for the purpose of rape and servitude (see Sections 1.a., 1.c., 5, 6.c., and 6.f.).

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Both the Constitution and legislation ban torture and other cruel, inhuman, or degrading treatment; however, according to local human rights groups and defense lawyers, the police at times resort to torture when interrogating persons suspected of being involved with, or having sympathies for, armed insurgency groups. There were no reports of torture during the year at the Algiers police facility called Chateau Neuf, as had been the case in the past.

There continued to be reports of police abuse of detainees during the year. After its October visit (see Section 4), Amnesty International stated that although there were “substantially fewer” cases of torture “in comparison to some years ago,” such cases nevertheless “continue to occur.” Many victims of torture hesitate to make public such allegations due to fear of government retaliation. Accusations of torture were made by those accused of involvement in terrorist activities. The Interior Ministry and the ONDH have stated publicly that the Government would punish those persons who violated the law and practiced torture. Government officials reported in November that between 350 and 400 security officials had been punished for “human rights abuses,” although the Government provided no details regarding the abuses that such officials committed or the punishment that they received. There is no independent mechanism available to verify the Government’s claims.

In early August, the Government announced new policies concerning the Police Judiciaire (PJ), the officers who interrogate suspects when they first are arrested to determine whether there are grounds for prosecution. Local judges now are to grade the performance of PJ officers operating in their jurisdiction in an effort to ensure that the officers comply with the law in their treatment of suspects. In addition, any suspect held in preventative detention is to undergo a medical examination at the end of the detention, whether the suspect requests it or not.

In March in the western cities of Relizane and Oran, the authorities beat and intimidated demonstrators who were attempting to draw attention to the problem of persons who had disappeared. The Government arrested 40 persons during two separate demonstrations that occurred about a week apart; however, those arrested were released after a short time (see Section 2.b.). In June following a bomb blast in Dellys, police rounded up a group of 200 persons who had been attending the local mosque. The group was taken to police headquarters and beaten. One person died from the injuries he sustained. Members of the group took legal action against the police and, as a result, the local chiefs of the police and the Gendarmerie were fired and two of the offending officers were arrested. In November police used force to disrupt a march by families of persons who had disappeared, which coincided with a visit to that city by Amnesty International (see Section 2.b.).

In December 1999, a terrorist bomb killed and injured police in the town of Dellys. Within hours security forces rounded up and detained more than 100 persons of both sexes and a variety of ages. Police officers beat many of the detainees and threw them into the crater made by the terrorist bomb. One of the mistreated persons died of a heart attack the next day. A senior regional police commander ordered the police to stop these actions. In response to complaints from the mistreated persons, the authorities suspended the local commanders of 2 different security services and prosecuted 21 members of the security forces (see Section 1.a.).

Armed terrorist groups committed numerous abuses, such as beheading, mutilating, and dismembering their victims, including infants, children, and pregnant women. These groups also used bombs that killed and injured persons (see Sections 1.a. and 1.g.). Terrorists also committed dozens of rapes of female victims, many of whom subsequently were murdered. There were also frequent reports of other young women being abducted, raped for weeks at a time by group leaders and other members, and forced into servitude (see Sections 1.a., 1.b., 5, 6.c., and 6.f.).

Prison conditions remain generally poor, with significant overcrowding. However, an international NGO stated during the year that conditions had improved considerably. A decrease in prison population reduced overcrowding somewhat. Moreover, prisoners were found generally to be in good health and benefiting from adequate food and expanded visitation rights. The provision of adequate medical treatment to prisoners still is limited, but the Government reportedly is addressing the issue.

In general the Government does not permit independent monitoring of prisons or detention centers. However, in October 1999, March and again in May, the Government allowed International Committee of the Red Cross (ICRC) to visit prisons. The ICRC in April decided no longer to seek access to military prisons because it lacked any credible evidence that these prisons held civilians. The ICRC did not visit FIS leaders in prison or under house arrest.

*d. Arbitrary Arrest, Detention or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, the security forces continued arbitrarily to arrest and detain citizens. Human rights activists state that this practice continued to diminish during the year. The Constitution stipulates that incommunicado detention in criminal cases prior to arraignment may not exceed 48 hours, after which the suspect must be charged or released. According to the 1992 antiterrorist law, the police may hold suspects in prearrest detention for up to 12 days; they also must inform suspects of the charges against them. In practice the security forces generally adhered to this 12-day limit during the year.

In March in the western cities of Relizane and Oran, the Government arrested 40 persons during two separate demonstrations occurring about a week apart; however, those arrested were released after a short time (see Section 2.b.). In November police used force to disrupt a march by families of the disappeared, and arrested five persons. Four subsequently were released; the fifth was tried and convicted of attacking a security officer (see Section 2.b.).

FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest and is allowed to receive visits only from members of his family (see Section 2.d.), although he has made numerous press statements and conducted interviews while under house arrest. Jailed oppositionist and FIS vice president Ali Benhadj, who had been held incommunicado from 1992 until 1998, now is allowed contact with members of his family, who speak to the press on his behalf.

The 1992 Antiterrorist Law suspended the requirement that the police obtain warrants in order to make an arrest. During the year, the police made limited use of this law. However, according to defense attorneys, police who execute searches without a warrant routinely fail to identify themselves as police and abuse those who ask for identification (see Section 1.f.). Police and communal guards sometimes detain persons at checkpoints (see Section 2.d.). There are reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender. According to Amnesty International, on April 4, police arrested 73-year-old El-Hadj M'lik in front of several witnesses. He had been questioned previously concerning his sons, one of whom is believed to be a member of a terrorist group. Security officials reassured the family, on two separate occasions, that M'lik would be returned to them. However, he had not been returned by year's end, and the Government provided no information regarding his whereabouts.

Prolonged pretrial detention was a problem. Persons accused of crimes sometimes did not receive expeditious trials; however, long-term detention appeared to decrease somewhat during the past year (see Section 1.e.). Hundreds of state enterprise officials who were arrested on charges of corruption in 1996 remained in detention. Three or four of the higher ranking detainees were released during the year.

Under the state of emergency, the Minister of Interior is authorized to detain suspects in special camps that are administered by the army. In 1995 the Government announced that it had closed the last camp and released the 641 prisoners there. Local human rights activists and NGO's state that no such camps now exist. They note that the Government continues to keep some former prisoners under surveillance and requires them to report periodically to police.

Forced exile is not a legal form of punishment and is not known to be practiced. However, there are numerous cases of selfimposed exile involving former FIS members or individuals who maintain that they have been accused falsely of terrorism as punishment for openly criticizing government policies.

One such case was resolved in September when Ali Bensaad, a professor at the University of Constantine, who had been in exile in Germany, returned to the country. The former exile was issued a limited (6-month) passport, which allowed him to return. Bensaad is pursuing redress in the court system for the "machinations" he claims were perpetrated against him by former high-ranking officials.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, in practice the Government does not always respect the independ-

ence of the judicial system. In November 1999, President Bouteflika named a commission to review the functioning of the judiciary and to recommend ways to improve it. In August after the commission submitted its report, the President announced a massive reorganization of the judiciary. He replaced 80 percent of the heads of the 187 lower courts and 99 percent of the presidents of the 37 higher-level courts. Most of the court heads were reassigned to new locations; however, a number were replaced outright. Whereas only a few courts previously were headed by women, 19 now have female heads.

The judiciary is composed of the civil courts, which try cases involving civilians, and the military courts, which have tried civilians for security and terrorism offenses. There is also a Constitutional Council, which reviews the constitutionality of treaties, laws, and regulations. Although the Council is not part of the judiciary, it has the authority to nullify laws found unconstitutional.

Regular criminal courts try those individuals accused of security-related offenses. Long-term detentions of suspects awaiting trial again appeared to decrease somewhat during the year.

According to the Constitution, defendants are presumed innocent until proven guilty. They have the right to confront their accusers and may appeal the conviction. Trials are public, and defendants have the right to legal counsel. However, the authorities do not always respect all legal provisions regarding defendants' rights, and continue to deny due process. Some lawyers do not accept cases of individuals accused of security-related offenses, due to fear of retribution from the security forces. Defense lawyers for members of the banned FIS have suffered harassment, death threats, and arrest.

There are no credible estimates of the number of political prisoners; some estimate the number to be several thousand. An unknown number of persons who could be considered political prisoners are serving prison sentences because of their Islamist sympathies and membership in the FIS. There are credible estimates that the Government released 5,000 political prisoners after Bouteflika's 1999 election.

International humanitarian organizations did not request visits with political prisoners during the year; therefore, it is unclear whether the Government would permit such organizations to visit political prisoners. In general the Government does not permit independent monitoring of prisons or detention centers; however, over the past 18 months, it has permitted the ICRC to monitor general prison conditions in civilian prisons (see Section 1.c.).

*f. Arbitrary Interference with Privacy, Family, Home or Correspondence.*—Authorities frequently infringed on citizens' privacy rights. The Constitution provides for the inviolability of the home, but the state of emergency authorizes provincial governors to issue exceptional warrants at any time. Security forces also entered residences without warrants. According to defense attorneys, police who execute searches without a warrant routinely fail to identify themselves as police and abuse those who ask for identification. Security forces deployed an extensive network of secret informers against both terrorist targets and political opponents. The Government monitors the telephones of, and sometimes disconnects service to, political opponents and journalists (see Sections 2.a. and 3). There are reports of police arresting close relatives of suspected terrorists in order to force the suspects to surrender (see Section 1.d.).

Armed terrorists entered private homes either to kill or kidnap residents or to steal weapons, valuables, or food. After massacres that took place in their villages, numerous civilians fled their homes. Armed terrorist groups consistently used threats of violence to extort money from businesses and families across the country.

*g. Use of Excessive Force and Violations of Humanitarian Law.*—Armed groups were responsible for numerous, indiscriminate, nonselective killings. Terrorists left bombs at several markets and other public places during the year, killing and injuring dozens of persons. In rural areas, terrorists continued to plant bombs and mines, which often targeted security force personnel. For example, on September 29, a group of at least 100 armed men seized control of the roads leading into Bani Yassi, a small town 56 miles east of Algiers near Tizi Ouzou. The group then destroyed the barracks of the local communal police with an explosive device, entered the wreckage after the explosion, and killed those police officers who were not killed in the explosion. On November 4, one soldier was killed and two others were injured in a bomb blast at an electrical pylon in the mountainous region of Zaccar, about 40 miles southwest of Algiers. On December 5, three people were killed and 11 were injured in an explosion in Tiaret (200 miles west of Algiers).

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech; however, the Government restricts this right in practice. A 1990 law specifies that

freedom of speech must respect "individual dignity, the imperatives of foreign policy, and the national defense." The state of emergency decree gives the Government broad authority to restrict these freedoms and to take legal action against what it considers to be threats to the state or public order. However, the Government did not enforce these regulations strictly, and the independent press reported regularly on security matters without penalty. Reporting by government-controlled press organs frequently included deflated numbers of civilians and government forces killed, and inflated terrorist casualty counts; however, there were no credible allegations of inflated terrorist surrenders under the amnesty program during the year, as had been the case in the past. Government discrepancies were noted frequently in independent newspapers.

In March 1994, the Government issued an interministerial decree that independent newspapers could print security information only from official government bulletins carried by the government-controlled Algerian Press Service (APS). Independent newspapers openly ignored the directive, and the trend toward increased openness about security-force losses continued during the year. The Government continued to provide the press with more information than in the past about the security situation. Journalists deliberately did not report on current possible abuses by security forces to avoid difficulties with the Government, although there was significant coverage of NGO activity aimed at publicizing such abuses committed in the past. According to the Ministry of Health, it no longer forbids medical personnel from speaking to journalists, and such personnel spoke to the press during the year. The Government's definition of security information often extended beyond purely military matters to encompass broader political affairs. In 1995 FIS officials who had been freed from detention in 1994 received direct orders from the Justice Ministry to make no further public statements. This ban remains in force. In general, journalists exercised self-censorship by not publishing criticism of specific senior military officials.

For a second consecutive year, there were no reports that the Government put journalists under "judicial control." In previous years, the Government used this practice to harass journalists who wrote offending articles by requiring the journalists to check in regularly with the local police and preventing them from leaving the country. According to a Europe-based NGO that specializes in press freedom, the Government continued to refrain from harassing journalists under criminal defamation statutes during the year, as had been its practice in the past.

There were no newspapers allied with Islamist political parties in print, due to government pressure; however, legal Islamist political parties have access to the existing independent press, in which they may express their views without government interference.

The Government maintains an effective monopoly over printing companies and newsprint imports. However, at least two newspapers were in the final stages of negotiations with private firms to print newspapers and import newsprint, which would circumvent such government control. There was no abuse of the Government's power to halt newspaper publications during the year.

The Government continued to exercise pressure on the independent press through the state-owned advertising company, which was created in 1996. All state-owned companies that wish to place an advertisement in a newspaper must submit the item to the advertising company, which then decides in which newspapers to place it. In an economy in which state companies' output and government services still represent approximately two-thirds of national income, government-provided advertising constitutes a significant source of advertising revenue for the country's newspapers. Advertising companies tend to provide significant amounts of advertising to publications with a strong anti-Islamist editorial line and to withhold advertising from newspapers on political grounds, even if such newspapers have large readerships or offer cheap advertising rates.

President Bouteflika stated in November 1999 that the media ultimately should be at the service of the State. Radio and television remained under government control, with coverage biased in favor of the Government's policies and the government-supported party, the National Democratic Rally (RND). Parliamentary debates are televised live. Satellite-dish antennas are widespread, and millions of citizens have access to European and Middle Eastern broadcasting. A five-member delegation from Reporters Without Borders visited the country in June. The group was allowed to meet freely with the interlocutors of their choice and concluded that the press enjoyed increasing freedom. However, the delegation also noted a number of continued barriers to full press freedom.

Many artists, intellectuals, and university educators fled the country after widespread violence began in 1992; however, some continued to return during the year. There was a growing number of academic seminars and colloquiums that occurred

without governmental interference. The Government continues to interfere in seminars that were political or economic in content (see Section 2.b.). The only reported strike at a university during the year occurred in October at Bab Izzouar University, where a small number of professors went on strike to protest work conditions. After a week, the teachers returned to work (see Section 6.a.).

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for the right of assembly; however, the 1992 emergency law and government practice sharply curtail this right. Citizens and organizations must obtain permits from the appointed local governor before holding public meetings. While the Government frequently grants licenses to political parties, NGO's, and other groups to hold indoor rallies, in most instances outdoor demonstrations are not permitted.

Some unlicensed groups continue to be active, including groups dedicated to the cause of persons who have disappeared. Such groups continued to hold regular demonstrations outside government buildings. However, in March in the western cities of Relizane and Oran, the authorities beat and intimidated demonstrators attempting to draw attention to the cause of persons who disappeared. The Government arrested 40 persons during two separate demonstrations occurring about a week apart. However, those arrested were released after a short time. In November police again disrupted a march by families of persons who had disappeared. In this instance, which coincided with a visit to that city by Amnesty International, the police used force, and arrested five persons. Four subsequently were released; the fifth was tried and convicted of attacking a security officer.

The Government refused to permit, in the name of public order, a proposed march in October to protest the Israeli Government's actions against Palestinians in Israel, the West Bank, and Gaza in the fall. When a group of protesters attempted to hold a rally despite the ban, they were dispersed in a nonviolent manner.

The Constitution provides for the right of association; however, the 1992 Emergency Law and government practice severely restrict it. The Interior Ministry must approve all political parties before they may be established (see Section 3). In January the Government refused to approve the Wafa Party because of its perceived ties to the FIS. In August 40 members of Parliament petitioned the Government, demanding an explanation of the Government's refusal to recognize the Party. In November the Minister of Justice responded, stating that the Wafa Party would not be recognized because it included large numbers of members who belonged to the outlawed FIS. The Government closed the Party's offices on November 13. The Front Democratique, which is headed by former Prime Minister Sid Ahmed Ghazali, applied for registration but received no response within the time period specified by law for governmental decision on such cases (see Section 3). The Interior Ministry licenses all nongovernmental associations and regards all associations as illegal unless they have licenses. It may deny a license to, or dissolve, any group regarded as a threat to the Government's authority, or to the security or public order of the State. After the Government suspended the parliamentary election in 1992, it banned the FIS as a political party, and the social and charitable groups associated with it. Membership in the FIS remains illegal, although at least one former FIS leader announced publicly that he intended to form a cultural youth group.

*c. Freedom of Religion.*—The Constitution declares Islam to be the state religion but prohibits discrimination based on religious belief, and the Government generally respects this right in practice; however, there are some restrictions. Islam is the only legal religion, and the law limits the practice of other faiths; however, the Government follows a de facto policy of tolerance by not inquiring into the religious practices of individuals.

The law prohibits public assembly for purposes of practicing a faith other than Islam. However, there are Roman Catholic churches in the country, including a cathedral in Algiers (the seat of the Archbishop), which conduct services without government interference. In 1994 the size of the Jewish community diminished significantly, and its synagogue since has been abandoned. There are only a few smaller churches and other places of worship; non-Muslims usually congregate in private homes for religious services.

Because Islam is the state religion, the country's education system is structured to benefit Muslims. Education is free to all citizens below the age of 16, and the study of Islam is a strict requirement in the public schools, which are regulated by the Ministry of Education and the Ministry of Religious Affairs. Private primary and secondary schools are not permitted to operate.

The Government appoints preachers to mosques and gives general guidance on sermons. The Government monitors activities in mosques for possible security-related offenses, and bars their use as public meeting places outside of regular prayer hours. The Ministry of religious affairs provides some financial support to mosques and has limited control over the training of imams.



Conversions from Islam to other religions are rare. Because of safety concerns and potential legal and social problems, Muslim converts practice their new faith clandestinely. The Family Code, which is based on Shari'a (Islamic law), prohibits Muslim women from marrying non-Muslims, although this regulation is not always enforced. The code does not restrict Muslim men from marrying non-Muslim women.

Non-Islamic proselytizing is illegal, and the Government restricts the importation of non-Islamic literature for widespread distribution. Personal copies of the major works of other religions, such as the Bible, may be brought into the country. Non-Islamic religious texts and music and video selections no longer are difficult to locate for purchase. The Government prohibits the dissemination of any literature that portrays violence as a legitimate precept of Islam.

Under both Shari'a and the law, children born to a Muslim father are Muslim, regardless of the mother's religion. Islam does not allow conversion to other faiths at any age. In 1994 the Armed Islamic Group (GIA) declared its intention to eliminate Jews, Christians, and polytheists from Algeria. The GIA has not yet retracted that declaration and, as a result, the mainly foreign Christian community tends to curtail its public activities.

The country's 9-year civil conflict has pitted self-proclaimed radical Muslims against the general Islamic population. Approximately 100,000 civilians, terrorists, and security forces have been killed during the past 9 years. Extremist self-proclaimed "Islamists" have issued public threats against all "infidels" in the country, both foreigners and citizens, and have killed both Muslims and non-Muslims, including missionaries. The majority of the country's terrorist groups do not, as a rule, differentiate between religious and political killings. During the year, terrorists continued attacks against the Government and civilians (see Sections 1.a. and 1.g.).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation.*—The law provides for freedom of domestic and foreign travel, and freedom to emigrate; however, the Government at times restricts these rights. In the spring of 1999, the Government allowed travel abroad by representatives of organizations pursuing information on relatives who allegedly "disappeared" due to the actions of the security forces. These organizations, which were hosted by human rights NGO's, held public discussions on those who had disappeared.

The Government does not allow foreign travel by senior officials from the banned FIS. FIS president Abassi Madani, who was released from prison in 1997, remains under house arrest (see Section 1.d.). The Government also does not permit young men who are eligible for the draft and who have not yet completed their military service to leave the country if they do not have special authorization; such authorization may be granted to students and to those individuals with special family circumstances. The Family Code does not permit married females under 19 years of age to travel abroad without their husband's permission, although this provision generally is not followed in practice.

Under the state of emergency, the Interior Minister and the provincial governors may deny residency in certain districts to persons regarded as threats to public order. The Government also restricts travel into four southern provinces, where much of the hydrocarbon industry and many foreign workers are located, in order to enhance security in those areas.

The police and the communal guards operate checkpoints throughout the country. They routinely stop vehicles to inspect identification papers and to search for evidence of terrorist activity. They sometimes detain persons at these checkpoints.

Armed groups intercept citizens at roadblocks, using stolen police uniforms and equipment in various regions to rob them of their cash and vehicles. According to press reports, armed groups sometimes killed groups of civilian passengers at these roadblocks (see Section 1.a.).

The Constitution provides for the right of political asylum, and the Government occasionally grants asylum. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. For example, it cooperates with the UNHCR on programs to help refugee Sahrawis, former residents of the Western Sahara who left that territory after Morocco took control of it in the 1970's. The Government also has worked with international organizations that help the Tuaregs, a nomadic people of southern Algeria and neighboring countries. There were no reports of the forced return of persons to a country where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution provides citizens with the right to change their government; however, there are significant limitations to this right in practice. The strong pre-

rogatives of the executive branch, supported by the entrenched power of the military and the bureaucracy, prevent citizens from exercising this right. The withdrawal of six presidential candidates in 1999 amidst credible charges of fraud, and the election of President Bouteflika highlighted the continued dominance of the military elite in the process of selecting the country's political leadership.

President Bouteflika was elected in an April 15, 1999 presidential election that was seriously flawed by the withdrawal 1 day before of all other candidates, who charged that the military already had begun to implement plans to produce a fraudulent Bouteflika victory. Until those allegations surfaced, the campaign had been conducted fairly, with all candidates widely covered in both state-owned and private media. The conduct of the campaign—although regulated as to the use of languages other than Arabic, and as to the timing, location and duration of meetings—was free, and all candidates traveled extensively throughout the country. One potential candidate was denied the ability to run because the electoral commission determined that he could not prove that he had participated in Algeria's war of independence against France, a legal requirement for candidates for President born before July 1942. With the withdrawal of the other candidates and the absence of foreign observers, it was impossible to make an accurate determination of turnout for the election, although it apparently was as low as 30 percent; the Government claimed a 60 percent turnout.

Under the Constitution, the President has the authority to rule by decree in special circumstances. The President subsequently must submit to the Parliament for approval decrees issued while the Parliament was not in session. The President did not exercise such authority during the year. The Parliament has a popularly elected lower chamber, the National Popular Assembly (APN), and an upper chamber, the National Council, two-thirds of whose members are elected by municipal and provincial councils. The President appoints the remaining one-third of the National Council's members. Legislation must have the approval of threequarters of both the upper and lower chambers' members. Laws must originate in the lower chamber.

In June 1997, Algeria held its first elections to the APN since elections were canceled in January 1992, and elected the first multiparty parliament in the country's history. Candidates representing 39 political parties participated, along with several independent candidates. Under a system of proportional representation, the government-supported party, the National Democratic Rally, won a plurality of 154 seats out of a total of 371. In their final report, neutral observers stated that, of 1,258 (of the country's 35,000) voting stations that they assessed, 1,169 were satisfactory, 95 were problematic, and 11 were unsatisfactory. In November 1997, the provincial election commissions announced the results of their adjudication of the appeals filed by various political parties. The RND lost some seats but remained the overall victor in the Assembly elections.

In 1997 the appointed previous legislature, the National Transition Council (CNT), changed the law that regulates political parties. Under the controversial law, potential parties require official approval from the Interior Ministry before they may be established. To obtain approval, a party must have 25 founders from across the country whose names must be registered with the Interior Ministry. A party headed by one of the six presidential candidates who withdrew from the April elections registered in September 1999. Two parties failed to receive registration. In January the Government refused to approve the Wafa party because of its perceived ties to the FIS (see Section 2.b.). The Front Democratique, which is headed by former Prime Minister Sid Ahmed Ghazali, applied for registration but received no response within the time period specified by law for governmental decision on such cases. No party may use religion, Amazigh heritage, or Arab heritage as a basis of organizing for political purposes. The law also bans political party ties to nonpolitical associations and regulates party financing and reporting requirements.

The more than 30 existing political parties represent a wide spectrum of viewpoints and engage in activities that range from holding rallies to printing newspapers. The Government continues to ban the FIS as a political party (see Section 2.b.). With the exception of the leading progovernment party, the RND, and the Front de Liberation National (FLN), political parties sometimes encounter difficulties when dealing with local officials, who hinder their organizational efforts. The Government monitors private telephone communications, and sometimes disconnects telephone service to political opponents for extended periods (see Section 1.f.). Opposition parties have very limited access to state-controlled television and radio, although the independent press publicizes their views.

Women are underrepresented in government and politics. The new cabinet, named in August, has no female members. Eleven of the 380 members of the lower house of Parliament are women. In September 1999, President Bouteflika appointed the

first-ever female provincial governor. A woman heads a workers' party, and all the major political parties except one had women's divisions headed by women.

The Amazighs, an ethnic minority centered in the Kabylie region, participate freely and actively in the political process. Two major opposition parties originated in the Amazigh-populated region of the country: The Socialist Forces Front and the Rally for Culture and Democracy. These two parties represent Amazigh political and cultural concerns in the Parliament and the media. The two Amazigh-based parties were required to conform with the 1997 changes to the Electoral Law that stipulate that political parties must have 25 founders from across the country.

The Tuaregs, a people of Amazigh origin, do not play an important role in politics, due to their small numbers, estimated in the tens of thousands, and their nomadic existence.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The most active independent human rights group is the Algerian League for the Defense of Human Rights (LADDH), an independent organization that has members throughout the country. The LADDH is not allowed access to the authorities or to prisons beyond the normal consultations allowed between a lawyer and a client. The less-active Algerian League for Human Rights (LADH) is an independent organization based in Constantine. The LADH has members throughout the country who follow individual cases. Human rights groups report occasional harassment by government authorities in the form of obvious surveillance and cutting off of telephone service.

Unlike in previous years when such visits were banned, delegations from Amnesty International, the ICRC, Human Rights Watch, Freedom House, the FIDH, and Reporters Without Borders visited the country at the Government's invitation. Amnesty International visited in May and again in October, and, after its May visit, claimed that during the visit its delegation was "able to move around the country freely and no restrictions were imposed" on its activities. However, Amnesty International did not seek meetings with members of the FIS in prison or under house arrest. The organization stated that there had been "a significant drop in the level of violence and killings, and the reports of arbitrary arrests, prolonged incommunicado detention, torture, disappearances, and unfair trials have also diminished significantly." However, Amnesty International maintained that many serious concerns had not been addressed, including resolving past abuses such as disappearances and extrajudicial killings. Moreover, during its October visit, Amnesty International claimed that the Government was not cooperating adequately or providing the organization with quality information. The organization also claimed that the Government was staging demonstrations opposing the Amnesty International visit. In September and October, the ICRC conducted its third visit to the country to monitor general conditions in the civilian prisons. ICRC president Jakob Kellenberger commented during the visit on the constructive nature of the dialog between the ICRC and the Government. A delegation from Human Rights Watch met with government officials in May. The delegation stated that it was "allowed to travel freely and meet with officials, lawyers, nongovernmental organizations, and victims and families of victims of abuses by the Government and armed groups." Freedom House visited July 3-10, and again in November, in order to assess the possibility of establishing programs involving support for the rule of law, including women's rights, freedom of the press, and judicial reform.

The National Observatory for Human Rights was established by the Government in 1992 to report human rights violations to the authorities. It prepares an annual report with recommendations to the Government.

The Government has a national ombudsman, who receives individual complaints and presents an annual report to the President. Provincial representatives are designated to accept individual grievances and to make them known to the authorities. Most such complaints concerned bureaucratic unresponsiveness and lack of jobs and housing (see Section 5).

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on birth, race, sex, belief, or any other personal or social condition; however, women continue to face legal and social discrimination.

*Women.*—Women's rights advocates assert that spousal abuse is common, but there are no reliable statistics regarding its extent. Spousal abuse is more frequent in rural than urban areas, especially among less-educated persons. There are no specific laws against spousal rape. Rape is illegal, and in principle a spouse could

be charged under the law. However, there are strong societal pressures against a woman seeking legal redress against her spouse for rape, and there have been no reports of the law being applied in such cases. Battered women must obtain medical certification of the physical effects of an assault before they lodge a complaint with the police. However, because of societal pressures, women frequently are reluctant to endure this process. There are very few facilities offering safe haven for abused women, and many more are needed. Women's rights groups have experienced difficulty in drawing attention to spousal abuse as an important social problem, largely due to societal attitudes. There are several rape crisis centers run by women's groups, but they have few resources. In August 1998, the Government released figures indicating that the whereabouts of 319 women remain unknown, and that there were 24 reports by women of rape. Most human rights groups believe that the actual number is much higher. There is a rape crisis center that specializes in caring for women who are victims of rape by terrorists.

Some aspects of the law and many traditional social practices discriminate against women. The 1984 Family Code, which is based in large part on Shari'a, treats women as minors under the legal guardianship of a husband or male relative. For example, a woman must obtain a father's approval to marry. Divorce is difficult for a wife to obtain except in cases of abandonment or the husband's conviction for a serious crime. Husbands generally obtain the right to the family's home in the case of divorce. Custody of the children normally is awarded to the mother, but she may not enroll them in a particular school or take them out of the country without the father's authorization. Only males are able to confer citizenship on their children. Muslim women are prohibited from marrying nonMuslims; Muslim men may marry non-Muslim women (see Section 2.c.).

The Family Code also affirms the Islamic practice of allowing a man to marry up to four wives, although this rarely occurs in practice. A wife may sue for divorce if her husband does not inform her of his intent to marry another woman prior to the marriage.

Women suffer from discrimination in inheritance claims; in accordance with Shari'a, women are entitled to a smaller portion of an estate than are male children or a deceased husband's brothers. According to Shari'a, such a distinction is justified because other provisions require that the husband's income and assets are to be used to support the family, while the wife's remain, in principle, her own. However, in practice women do not always have exclusive control over assets that they bring to a marriage or income that they earn themselves. Females under 19 years of age may not travel abroad without their husbands' permission (see Section 2.d.). However, women may take out business loans and are the sole custodians of their dowries. In its 2000 report, the International Labor Organization (ILO) Committee of Experts noted that the Government has stated that, despite incorporating equality between men and women into the legislative and regulatory texts governing the workplace, in practice women still are confronted with discriminations in employment resulting from stereotypes that exist regarding a woman's place in society.

While social pressure against women pursuing higher education or a career exists throughout the country, it is much stronger in rural areas than in major urban areas. Women constitute only 10 percent of the work force. Nonetheless, women may own businesses, enter into contracts, and pursue opportunities in government, medicine, law, education, the media, and the armed forces. About 25 percent of judges are women, a percentage that has been growing in recent years. President Bouteflika's changes to the judiciary in August increased the number of courts headed by women (see Section 1.e).

Although the 1990 Labor Law bans sexual discrimination in the workplace, the leaders of women's organizations report that violations are commonplace. Labor Ministry inspectors do little to enforce the law.

There are numerous small women's rights groups. Their main goals are to foster women's economic welfare and to amend aspects of the Family Code.

During the year, extremists sometimes specifically targeted women. There were numerous incidents of women being killed and mutilated in massacres. Armed terrorist groups reportedly kidnaped young women and held them captive for extended periods for the purposes of rape and servitude (see Sections 1.a., 1.b., 1.c., 6.c., and 6.f.).

*Children.*—The Government is committed in principle to protecting children's human rights. It provides free education for children 6 to 15 years of age, and free medical care for all citizens—albeit in often rudimentary facilities. The Ministry of Youth and Sports has programs for children, but such programs face serious funding problems. Child abuse is a problem. Hospitals treat numerous child abuse cases every year, but many cases go unreported. Laws against child abuse have not led to notable numbers of prosecutions against offenders. Legal experts maintain that

the Penal and Family Codes do not offer children sufficient protection. NGO's that specialize in care of children cite an increase in domestic violence aimed at children, which they attribute to the "culture of violence" developed during the years since 1992 and the social dislocations caused by the movement of rural families to the cities to escape terrorist violence. Such NGO's have educational programs aimed at reducing the level of violence, but lack funding.

*People with Disabilities.*—The Government does not mandate accessibility to buildings or government services for the disabled. Public enterprises, in downsizing the work force, generally ignore a law that requires that they reserve 1 percent of their jobs for the disabled. Social security provides for payments for orthopedic equipment, and some nongovernmental organizations receive limited government financial support. The Government also attempts to finance specialized training, but this initiative remains rudimentary.

*National/Racial/Ethnic Minorities.*—The Amazighs are an ethnic minority centered in the Kabylie region. Amazigh nationalists have sought to maintain their own cultural and linguistic identity while the Government's Arabization program continues. The law requires that Arabic be the official language and requires, under penalty of fines, that all official government business be conducted in Arabic. The law also requires that Arabic be used for all broadcasts on national television and radios for dubbing or subtitling all non-Arabic films, for medical prescriptions (although the law is not followed in practice), and for communications equipment. As part of the national charter signed in 1996, the Government and several major political parties agreed that the Amazigh culture and language were major political components of the country's identity. In September 1999 President Bouteflika stated that the Amazigh language would never be an official language.

There are professorships in Amazigh culture at the University of Tizi Ouzou. The government-owned national television station broadcasts a brief nightly news program in the Amazigh language. Amazighs hold influential positions in government, the army, business, and journalism.

The Tuaregs, a people of Amazigh origin, live an isolated, nomadic existence and are relatively few in number.

#### Section 6. Worker Rights

*a. The Right of Association.*—Workers have the right to establish trade unions of their choice. About two-thirds of the labor force belong to unions. There is an umbrella labor confederation, the General Union of Algerian Workers (UGTA) and its affiliated entities, which dates from the era of a single political party. The UGTA encompasses national syndicates that are specialized by sector. There are also some autonomous unions, such as syndicates for Air Algeria pilots (SPLA), airport technicians (SNTMA), and teachers (CNES).

Workers are required to obtain government approval to establish a union. The 1990 law on labor unions requires the Labor Ministry to approve a union application within 30 days. The Autonomous Syndicates Confederation (CSA) has attempted since early 1996 to organize the autonomous syndicates, but without success. The application that the CSA filed with the Labor Ministry still was pending at year's end, although the CSA continues to function without official status. The law prohibits unions from associating with political parties and also prohibits unions from receiving funds from foreign sources. The courts are empowered to dissolve unions that engage in illegal activities. The labor union organized by the banned FIS, the Islamic Syndicate of Workers (SIT), was dissolved in 1992 because it had no license.

Under the state of emergency, the Government is empowered to require workers in both the public and private sectors to stay at their jobs in the event of an unauthorized or illegal strike. According to the 1990 Law on Industrial Relations, workers may strike only after 14 days of mandatory conciliation, mediation, or arbitration. The law states that arbitration decisions are binding on both parties. If no agreement is reached in arbitration, the workers may strike legally after they vote by secret ballot to do so. A minimum level of public services must be maintained during public sector service strikes.

In February the Agricultural Services Department went on strike for increased salaries. On March 28 and 29, The National Customs Union went on strike to demand the implementation of a previously negotiated agreement on salaries. On April 3, the air traffic controllers (Syndicat National des Personnels de la Circulation Aérienne) went on strike as a part of extended salary negotiations. In May steelworkers went on strike for assurances of job security. In that same month, the National Teacher's Union (Union National des Personnels de l'Education et de la Formation—UNPEF) went on strike for increased salaries and better housing. There also were various taxi strikes throughout the country during the year. The workers received varying numbers of concessions to their demands as a result of the strikes.

In October a small number of professors at Bab Izzouar University went on strike to protest work conditions (see Section 2.a.).

Unions may form and join federations or confederations, affiliate with international labor bodies, and develop relations with foreign labor groups. For example, the UGTA has contacts with French unions.

*b. The Right to Organize and Bargain Collectively.*—The law provides for collective bargaining for all unions, and the Government permits this right in practice. The law prohibits discrimination by employers against union members and organizers, and provides mechanisms for resolving trade union complaints of antiunion practices by employers. It also permits unions to recruit members at the workplace.

The Government has established an export processing zone in Jijel.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is incompatible with the Constitution's provisions on individual rights, and the Penal Code prohibits compulsory labor, including by children; however, while the Government generally enforces the ban effectively, armed terrorist groups reportedly kidnap young women and hold them captive for weeks at a time, during which group members rape them and force them into servitude (see Sections 1.a., 1.b., 1.c., 5, and 6.f.).

In its 2000 report, the ILO's Committee of Experts noted that the law that requires persons who have completed a course of higher education or training to perform a period of service of between 2 and 4 years in order to obtain employment or work in an occupation, is not compatible with relevant ILO conventions dealing with forced labor.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 16 years. Inspectors from the Ministry of labor enforce the minimum employment age by making periodic or unannounced inspection visits to public sector enterprises. They do not enforce the law effectively in the agricultural or private sectors. Economic necessity compels many children to resort to informal employment, such as street vending. The Government prohibits forced and bonded labor by children and generally enforces this prohibition (see Section 6.c.).

*e. Acceptable Conditions of Work.*—The law defines the overall framework for acceptable conditions of work but leaves specific agreements on wages, hours, and conditions of employment to the discretion of employers in consultation with employees. The Government fixes by decree a monthly minimum wage for all sectors; however, this is not sufficient to provide a decent standard of living for a worker and family. The minimum wage is approximately \$105 (8,000 dinars) per month. Ministry of Labor inspectors are responsible for ensuring compliance with the minimum wage regulation; however, their enforcement is inconsistent.

The standard workweek is 40 hours. There are well-developed occupation and health regulations codified in a 1991 decree, but government inspectors do not enforce these regulations effectively. There were no reports of workers being dismissed for removing themselves from hazardous working conditions. Because employment generally is based on very detailed contracts, workers rarely are subjected to conditions in the workplace that they were not informed of beforehand. If workers are subjected to such conditions, they first may attempt to renegotiate the employment contract and, that failing, resort to the courts.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons. Armed terrorist groups frequently kidnaped young women and held them captive for weeks at a time, during which group members raped them and forced them into servitude (see Sections 1.a., 1.b., 1.c., 5, and 6.c.). There is a rape crisis center in Algiers that specializes in caring for women who are victims of rape by terrorists.

## BAHRAIN

Bahrain is a hereditary emirate with few democratic institutions and no political parties. The Al-Khalifa extended family has ruled Bahrain since the late 18th century and dominates all facets of its society and government. The Constitution confirms the Amir as hereditary ruler. The Amir, Shaikh Hamad Bin Isa Al-Khalifa, governs the country with the assistance of his uncle as Prime Minister, his son as Crown Prince, and an appointed cabinet of ministers. In 1975 the Government suspended some provisions of the 1973 Constitution, including those articles relating to the National Assembly, which was disbanded and never reinstituted. Citizens belong to the Shi'a and Sunni sects of Islam, with the Shi'a constituting over two-thirds of the indigenous population. However, Sunnis predominate politically and economically because the ruling family is Sunni and is supported by the armed forces, the security services, and powerful Sunni and Shi'a merchant families. The

political situation generally was calm during the year; there were a few incidents of low-level political unrest, but there has not been significant unrest since 1996. There are few judicial checks on the actions of the Amir and his Government, and the courts are subject to government pressure.

The Ministry of Interior is responsible for public security. It controls the public security force (police) and the extensive security service, which are responsible for maintaining internal order. The Bahrain Defense Force (BDF) is responsible for defending against external threats. It did not play a role in internal security during the year. Security forces committed serious human rights abuses.

Bahrain has a mixed economy with government domination of many basic industries, including the important oil and aluminum sectors. Possessing limited oil and gas reserves, the Government is working to diversify its economic base, concentrating on light manufacturing and the services sectors, particularly banking, financial services, and consulting. The Government has used its modest oil revenues to build a highly advanced transportation and telecommunications infrastructure. Economic growth is highly dependent on global oil prices, but the economy remains stable. The Government encouraged private national and international investment and moved to privatize some of its state-run industries. The country is a regional financial and business center. Tourism, particularly via the causeway linking Bahrain to Saudi Arabia, is also a significant source of income. Citizens enjoy a high standard of living.

The Government generally respected its citizens' human rights in some areas and improved in other areas; however, its record was poor in some areas, particularly workers' rights. The Government denies citizens the right to change their government; however, the political situation continued to improve due to the decrease in political and civil unrest compared to last year, and an effort by the Amir to develop relations with the Shi'a community. Security forces continued to torture, beat, and otherwise abuse prisoners. Impunity remains a problem; there were no known instances of any security forces personnel being punished for human rights abuses committed either during the year or in any previous year. The Government continued to use arbitrary arrest and detention, incommunicado and prolonged detention, and involuntary exile; however, in 1999 upon assuming power, one of the Amir's first official acts was to pardon or release over 400 prisoners, detainees, and exiles. During the year, the Amir pardoned a combined total of approximately 500 prisoners and detainees, some of whom had been detained for political reasons. The judiciary remains subject to government pressure, and there are limits on the right to a fair public trial, especially in the Security Court. The Government continued to infringe on citizens' privacy rights. The Government imposed some restrictions on freedom of speech and of the press and restricted freedom of assembly and association. The Government also imposes some limits on freedom of religion and movement. Violence against women and discrimination based on sex, religion, and ethnicity remain problems. The Government restricts worker rights, and there were instances of forced labor.

In December 1999, the Amir stated that all citizens are "equal before the law" and allowed Shi'a to apply for jobs in the BDF and the Ministry of the Interior for the first time in 4 years. These policies continued during the year.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

There were no investigations or prosecutions of any security force personnel for alleged extrajudicial killings committed in previous years.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Torture and other cruel, inhuman, or degrading treatment or punishment are prohibited by law; however there are credible reports that prisoners often are beaten, both on the soles of their feet and about the face and head, burned with cigarettes, deprived of sleep for long periods of time, and in some cases subjected to electrical shocks. The Government has difficulty in rebutting allegations of torture and of other cruel, inhuman, or degrading practices because it permits incommunicado detention and detention without trial. There were no known instances of officials being punished for human rights abuses committed either during the year or in any previous year, and there is an appearance of impunity.

Opposition and human rights groups allege that the security forces sometimes threaten female detainees with rape and inflict other forms of sexual abuse and har-

assment on them while they are in custody. Such allegations are difficult to confirm or deny. Young prisoners are housed separately until the age of 15.

Credible observers say that the prisons generally meet minimum international standards. Local defense attorneys report that their clients continued to receive improved care and treatment. In addition the release of hundreds of detainees from jail, perhaps as many as 1,200 in 1999 and 2000 (see Section 1.d.), and the reduced number of arrests during the year, eased overcrowding. At the Government's invitation, the International Committee of the Red Cross (ICRC) continued the series of visits to prisons that it started in late 1996.

*d. Arbitrary Arrest, Detention, or Exile.*—Arbitrary arrest and detention are serious problems. The Constitution states that "no person shall be arrested, detained, imprisoned, searched or compelled to reside in a specified place . . . except in accordance with the provisions of the law and under the supervision of the judicial authorities." However, in practice, in matters regarding arrest, detention, or exile, the 1974 State Security Act takes precedence. Under the State Security Act, persons may be detained for up to 3 years without trial for engaging in activities or making statements regarded as a threat to the broadly defined concepts of national harmony and security, and the Government continued to arrest and detain citizens arbitrarily. The scope of the State Security Act extends to any case involving arson, explosions, or attacks on persons at their place of employment or because of the nature of their work. Detainees have the right to appeal such detentions after a period of 3 months and, if the appeal is denied, every 16 months thereafter from the date of the original detention.

Government security forces used the State Security Act during the year to detain persons deemed to be engaging in antigovernment activities, including persons who attempted to exercise their rights of free speech, assembly, and association, or other rights. Activities that also may lead to detention, questioning, warning, or arrest by the security forces include: Membership in illegal organizations or those deemed subversive; painting antigovernment slogans on walls; joining antigovernment demonstrations; possessing or circulating antigovernment writings; preaching sermons considered by the Government to have an antigovernment political tone; and harboring or associating with persons who committed such acts. However, there was greater tolerance of activities such as public demonstrations during the year, and the number of persons detained was less than in 1999.

In addition to overseeing the security service and police, the Ministry of Interior also controls the Office of the Public Prosecutor, whose officers initially determine whether sufficient evidence exists to continue to hold a prisoner in investigative detention. The Ministry is responsible for all aspects of prison administration. In the early stages of detention, prisoners and their attorneys have no recourse to any authority outside the Ministry of Interior. The authorities rarely permit visits to inmates who are incarcerated for security-related offenses and such prisoners may be held incommunicado for months, or sometimes years. However, prisoners detained for criminal offenses generally may receive visits from family members, usually once a month.

At the beginning of the year, security forces were estimated to be holding over 800 persons in detention for security-related offenses. During the year, some were arrested, released, and then arrested again. At year's end, the total number of persons detained was reduced; however, as many as 750 persons still remained in detention. During the year, the Government pardoned as many as 300 persons detained in connection with antigovernment activities. One of the Amir's first official acts was to pardon or release over 400 detainees, prisoners, and exiles. In January and April, the Amir pardoned an additional 223 prisoners and detainees, some of whom had been detained for political reasons.

Several Shi'a clerics were arrested in 1996 for signing a 1994 petition to the Amir calling for the restoration of the National Assembly. Four of the clerics, Abdul Wahab Hussain, Hassan Mushaimaa, Hassan Sultan, and Haji Hassan Jarallah, remain in jail. The most prominent member of the group, Abdul Amir Al-Jamri, was pardoned in 1999, although he is still subject to government restrictions (see Section 2.c.). On March 22, the Government rearrested Abdul Wahab Hussain only hours after a judge ordered his release (see Section 2.c.).

Abdul Jahil Abdula Khadim, a shop owner, remained in detention at year's end. He was detained in 1998 after a young man who worked in his store died from police mistreatment.

While the authorities reserve the right to use exile and the revocation of citizenship to punish individuals convicted or suspected of antigovernment activity, there were no reports of exile orders issued during the year. In the past, the Government has revoked the citizenship of persons that it considered to be security threats. The Government considers such persons to have forfeited their nationality under the



Citizenship Act of 1963 because they accepted foreign citizenship or passports, or engaged in antigovernment activities abroad. Bahraini emigre groups and their local contacts have challenged this practice, arguing that the Government's revocation of citizenship without due process violates the Constitution. The Amir pardoned 12 exiles during the year. According to the emigre groups, as many as 450 citizens continue to live in exile. This total includes both those prohibited from returning to Bahrain and their family members who live abroad with them voluntarily.

*e. Denial of Fair Public Trial.*—The Constitution provides for an independent judiciary; however, the courts are subject to government pressure regarding verdicts, sentencing, and appeals.

The civil and criminal legal system consists of a complex mix of courts, based on diverse legal sources, including Sunni and Shi'a Shari'a (Islamic law), tribal law, and other civil codes and regulations. The 1974 State Security Act created a separate, closed security court system, which has jurisdiction in cases of alleged antigovernment activity.

The Bahrain Defense Force maintains a separate court system for military personnel accused of offenses under the Military Code of Justice. Military courts do not review cases involving civilian, criminal, or security offenses.

Defense attorneys are appointed by the Ministry of Justice and Islamic Affairs. Some attorneys and family members involved in politically sensitive criminal cases complain that the Government interferes with court proceedings to influence the outcome or to prevent judgments from being carried out. There are also occasional allegations of corruption in the judicial system.

In past cases, the Amir, the Prime Minister, and other senior government officials have lost civil cases brought against them by private citizens; however, the court-ordered judgments are not always implemented expeditiously. Members of the ruling Al-Khalifa family are well represented in the judiciary and generally do not recuse themselves from cases involving the interests of the Government.

A person who is arrested may be tried in an ordinary criminal court or, if recommended by the prosecution, in the Security Court. Ordinary civil or criminal trial procedures provide for an open trial, the right to counsel (with legal aid available when necessary), and the right to appeal. Criminal court proceedings generally do not appear to discriminate against women, children, or minority groups. However, there is credible evidence that persons accused of antigovernment crimes and tried in the criminal courts were denied fair trials. Those accused were not permitted to speak with an attorney until their appearance before the judge at the preliminary hearing. Trials in the criminal courts for antigovernment activities are held in secret.

Security cases are tried in secret by judges on the Supreme Court of Appeals, sitting as the Security Court. Family members usually are not permitted in the court until the final verdict is rendered. Procedures in the Security Court do not provide for even the most basic safeguards. The Security Court is exempt from adhering to the procedural protections of the Penal Code. Defendants may be represented by counsel, but they seldom see their attorneys before the actual day of arraignment. Convictions may be based solely on confessions, including confessions that may have been elicited under torture, and police evidence or testimony that may be introduced in secret. The defense may not review the evidence against the defendant prior to trial proceedings. Defense lawyers complain that they rarely are given sufficient time to find witnesses. There is no right to judicial review of the legality of arrests. There is no judicial appeal of a Security Court verdict, but the defendant may request clemency from the Amir. The Security Court tried one individual, Abdul Wahab Hussain, during the year (see Sections 1.d. and 2.c.).

The number of political prisoners is difficult to determine because the Government does not release data on security cases; however, the total is believed to be less than 100. Such cases are not tried in open court, and visits to prisoners convicted of security offenses are restricted strictly. The Government denies that there are any political prisoners and claims that all inmates incarcerated for committing security offenses were convicted properly of subversive acts such as espionage, espousing or committing violence, or belonging to terrorist organizations.

In accordance with tradition, the Government releases and grants amnesty to some prisoners, including individuals imprisoned for political activities, on major holidays. The Government reported that the Amir pardoned over 288 prisoners and detainees during the year, although it was uncertain how many such persons were political prisoners rather than common criminals (see Section 1.d.). The prisoners were expected to be released in small groups over the course of several months.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—During the year the Government infringed on citizens' right to privacy, using illegal searches and arbitrary arrests as tactics to control political unrest, although reports

of such violations of citizens' rights to privacy continued to decline. Under the State Security Law, the Ministry of Interior is empowered to authorize entry into private premises without specific judicial intervention. Telephone calls and personal correspondence are subject to monitoring. Police informer networks are extensive and sophisticated.

There were reports that security forces entered private homes without warrants and took into custody residents who were suspected of either participating in, or having information regarding, antigovernment activities. While conducting these raids, security forces confiscated, damaged, or destroyed personal property for which owners were not compensated by the Government. Security forces also set up checkpoints at the entrances to villages, requiring vehicle searches and proof of identity from anyone seeking to enter or exit. Whenever possible the Government jams, either in whole or in part, foreign broadcasts that carry antigovernment programming or commentary (see Section 2.a.). A government-controlled proxy prohibits user access to Internet sites considered to be antigovernment or anti-Islamic (see Section 2.a.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for the right “to express and propagate” opinions; however, citizens in practice are not free to express their public opposition to the Government in speech or writing. Press criticism of ruling family personalities and of government policy regarding certain sensitive subjects—such as sectarian unrest and the dispute with Qatar over the Hawar islands—is strictly prohibited. However, when the Amir assumed power in 1999, the Government allowed the press somewhat greater latitude. The Amir stated in his December 1999 National Day speech that the press and public have a duty to question the Government about developments in the country, and he repeated that sentiment on several occasions during the year in press interviews and in a meeting with the Bahrain Journalists Association (BJA) Board. Columnists and reporters wrote about several sensitive issues, criticizing the services offered by the Ministries of Interior and Defense and discussing the state budget, subjects that were off-limits in the past. However, later in the year, when some journalists tried to expand the scope of their criticisms to include political reform and reactivation of the Constitution, they were warned by the authorities to either support the government position or avoid the issues altogether.

Local press coverage and commentary on international issues is open, and discussion of local economic and commercial issues also is relatively unrestricted. Many individuals express critical opinions openly on domestic political and social issues in private settings but do not do so to leading government officials or in public forums.

The Information Ministry exercises extensive control over all local media. Newspapers are owned privately, but they routinely exercise self-censorship of stories on sensitive topics, and defer to Information Ministry demands. In some cases, editors of privately owned newspapers also hold government positions. The Government does not condone unfavorable coverage of its domestic policies by the international media and occasionally has revoked the press credentials of offending journalists. Because the Ministry controls foreign journalists' residence permits, unfavorable coverage in some cases has led to deportation. However, there were no reports that the Government revoked press credentials during the year. The Government generally afforded foreign journalists access to the country and did not limit their contacts.

In late September, the newly formed BJA elected its first board of directors. Some journalists view the lack of competition for the chairmanship of the board, and the preponderance of government employees accepted as BJA members, as a signal that it will not be a truly independent organization.

The State owns and operates all radio and television stations. Radio and television broadcasts in Arabic and Farsi from neighboring countries and Egypt may be received without interference. However, international news services, including the Associated Press, United Press International, and Agence France Presse, sometimes complain about press restrictions. The Cable News Network is available on a 24-hour basis by subscription, and the British Broadcasting Corporation World News Service is carried on a local channel 24 hours a day free of charge. However, the Government generally jams, wholly or partially, foreign broadcasts that carry antigovernment programming or commentary (see Section 1.f.).

Most senior government officials, ruling family members, and major hotels, as well as affluent private citizens, use satellite dishes to receive international broadcasts. Prior government approval to access satellite dishes and for the importation or installation of dishes is no longer required (see Section 3). Bahrain Television's

satellite subscription service does not offer access to the Qatar-based Al-Jazira channel, which otherwise broadcasts widely throughout the Middle East and North Africa. Government officials believe Al-Jazira's news and talk shows are biased against the country.

Access to the Internet is provided through the National Telephone Company (BATELCO). A government-controlled proxy prohibits user access to sites considered to be antigovernment or anti-Islamic. The software used is unreliable and often inhibits access to uncontroversial sites as well. E-mail access to information is unimpeded, although it may be subject to monitoring (see Section 1.f.).

Although there are no formal regulations limiting academic freedom, in practice academics try to avoid contentious political issues. University hiring and admissions policies appear to favor Sunnis and others who are assumed to support the Government rather than focusing on professional experience and academic qualifications. However, there continued to be some improvement in the hiring of qualified individuals in a nondiscriminatory manner during the year, and a few Shi'a professors, including women, were hired.

*b. Freedom of Peaceful Assembly and Association.*—Despite the Constitution's provision for the right of free assembly, the Government prohibits all public political demonstrations and meetings and controls religious gatherings that may take on political overtones. Permits are required for most other public gatherings, and permission is not granted routinely. Unauthorized public gatherings of more than five persons are prohibited by law. The Government monitors any gatherings that might take on a political tone and frequently disperses such meetings. During the year, the Government authorized two demonstrations, one in Manama on October 6 and one at the University on October 7, to protest Israeli government actions against Palestinians in Israel, the West Bank, and Gaza in the fall. Demonstrations were held on October 13 without government approval.

The Constitution provides for the right of free association; however, the Government restricts this right. The Government prohibits political parties and organizations. Some professional societies and social and sports clubs traditionally have served as forums for discreet political discussion, but they are restricted by law from engaging in political activity. Only the Bahraini Bar Association is exempt from the regulations that require that the charters of all associations include a commitment to refrain from political activity. The Bar Association successfully had argued that a lawyer's professional duties may require certain political actions, such as interpreting legislation or participating in a politically sensitive trial. In January 1998, after the Bar Association sponsored a lecture in which prodemocracy speakers publicly attacked the Government, the Government told current board members that they would not be allowed to stand for reelection. Although the decision has not been reversed, the Bar Association continues to operate without hindrance. Other organized discussions and meetings by the Bar Association no longer are discouraged actively.

*c. Freedom of Religion.*—The Constitution states that Islam is the official religion and also provides for freedom of religion; however, the Government does not tolerate political dissent, including from religious groups or leaders. The Government subjects both Sunni and Shi'a Muslims to control and monitoring. Members of other religions who practice their faith privately do so without interference from the Government. The Government funds, monitors, and closely controls all official religious institutions. These include Shi'a and Sunni mosques, Shi'a Ma'tams (ceremonial centers), Shi'a and Sunni Waqfs (charitable foundations), and the religious courts, which represent both the Ja'afari (Shi'a) and Maliki (Sunni) schools of Islamic jurisprudence. While the Government rarely interferes with what it considers legitimate religious observations, it actively suppresses any activity deemed overtly political in nature. In the past, the Government occasionally has closed mosques and Ma'tams for allowing political demonstrations to take place on or near their premises and has detained religious leaders for delivering political sermons or for allowing such sermons to be delivered in their mosques. The Government also may appropriate or withhold funding in order to reward or punish particular individuals or places of worship. There were no reported closures of Ma'tams or mosques during the year.

The High Council for Islamic Affairs is charged with the review and approval of all clerical appointments within both the Sunni and Shi'a communities, and it maintains program oversight for all citizens studying religion abroad. Public religious events, most notably the large annual commemorative marches by Shi'a, are permitted but are monitored closely by the police. There are no restrictions on the number of citizens permitted to make pilgrimages to Shi'a shrines and holy sites in Iran, Iraq, and Syria. However, stateless residents who do not possess Bahraini passports often have difficulties arranging travel to religious sites abroad. The Government

monitors travel to Iran and scrutinizes carefully those who choose to pursue religious study there.

Proselytizing by non-Muslims is discouraged, anti-Islamic writings are prohibited, and conversions from Islam to other religions, while not illegal, are not tolerated well by society. However, Bibles and other Christian publications are displayed and sold openly in local bookstores that also sell Islamic and other religious literature. Some small groups worship in their homes. Notable dignitaries from virtually every religion and denomination visit the country and frequently meet with the Government and civic leaders. Religious tracts of all branches of Islam, cassettes of sermons delivered by Muslim preachers from other countries, and publications of other religions are readily available.

In early July 1999, the Amir pardoned prominent Shi'a cleric Abdul Amir Al-Jamri, who had been in prison since 1996. Since his release, the Government has monitored Al-Jamri's movements. It also has denied him the right to issue marital status certificates, a lucrative source of income for many clerics. Several other clerics associated with Al-Jamri remain in jail. On March 22, the Government rearrested Shi'a cleric leader Abdul Wahab Hussain only hours after a judge released him following more than 4 years in detention without charge. The authorities neither brought charges against Hussain nor provided an explanation for his rearrest. Hussain remained incarcerated in a Manama jail at year's end (see Section 1.d.).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government imposes some limits on these rights. Citizens are free to move within the country and change their place of residence or work. However, passports may be denied on political grounds. Approximately 3 percent of the indigenous population, the bidoon, mostly stateless Shi'a of Persian-origin, do not have passports and are unable to obtain them readily, although they may be given travel documents as Bahraini residents (see Section 5). The Government occasionally grants citizenship to Sunni residents, most of whom are from the Arabian Peninsula and Egypt.

Citizens living abroad who are suspected of political or criminal offenses may face arrest and trial upon return to the country. Under the 1963 Citizenship Law, the Government may reject applications to obtain or renew passports for reasonable cause, but the applicant has the right to appeal such decisions before the High Civil Court. The Government also has issued temporary passports, valid for one trip a year, to individuals whose travel it wishes to control or whose claim to citizenship is questionable. A noncitizen resident, including a bidoon of Iranian origin, also may obtain a laissez-passer (travel document), usually valid for 2 years and renewable at Bahraini embassies overseas. The holder of a laissez-passer also requires a visa to reenter the country.

Although the Government cooperates with the U.N. High Commissioner for Refugees, it has not formulated a formal policy regarding refugees, asylees, or first asylum. The Government usually does not accept refugees due to the country's small size and limited resources. However, in practice refugees who arrive are not repatriated to countries from which they have fled. Many Iranian emigres who fled Iran after the Iranian revolution have been granted permission to remain in the country, but they have not been granted citizenship.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens do not have the right to change their government or their political system peacefully, and the Government controls political activity. Since the dissolution of the National Assembly in 1975, there have been no formal democratic political institutions. The Prime Minister makes all appointments to the Cabinet. The relevant ministries fill all other government positions. About one-third of the cabinet ministers are Shi'a Muslim, although they do not hold security-related offices. The Government continues to view most substantive reform as a threat to stability and has taken only halting steps to expand political participation. The ordinary citizen may attempt to influence government decisions through submission of personal written petitions and informal contact with senior officials, including appeals to the Amir, the Prime Minister, and other officials at their regularly scheduled public audiences, called majlis.

In 1992 the Amir established by decree a Consultative Council (Majlis Al-Shura). Its 40 members are divided mainly between Sunni and Shi'a (20 Sunni and 18 Shi'a) who are appointed by the Amir. Majlis members are selected to represent major constituent groups, including representatives from the business, labor, professional, and religious communities. There are no members of the ruling Al-Khalifa family or religious extremists in the Majlis. In addition to legislation submitted for its review by the Cabinet, the Majlis may initiate debate independently on nonpolitical issues.

The Majlis also may summon cabinet ministers to answer questions; however, its recommendations are not binding on the Government. The Majlis held its eighth session from October 1999 to May, and began a new session on October 3.

During the year, the Majlis debated a number of contentious social and economic issues, including unemployment, privatization, child care, and education reform, and drafted proposals on these and other subjects for government consideration. In 1999 a Majlis Human Rights Committee was formed. The Committee's deliberations and its first report, which was presented to the Amir in a well-publicized event, have been closely held. According to the Speaker of the Majlis, the Government responded favorably to all of the Majlis's recommendations by incorporating them into legislation or by taking other appropriate actions.

Women are greatly underrepresented in government and politics; however, there are now four women in the Majlis, whereas there had been none before. There still are no women at the ministerial levels of Government. The majority of women who choose to work in government do so in a support capacity, and only a few have attained senior positions within their respective ministries or agencies.

In September the Amir appointed the first Christian and Jewish members to the Consultative Council; an ethnic Iranian Bahraini also was appointed.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

There are no local human rights organizations. Because of the restrictions on freedom of association and expression, any independent, domestically based investigation or public criticism of the Government's human rights policies faces major obstacles. Several political opposition groups in exile report on the human rights situation. Such groups include the Damascus-based Committee for the Defense of Human Rights in Bahrain, the London-based Bahrain Freedom Movement, the Beirut-based Islamic Front for the Liberation of Bahrain, and the Copenhagen-based Bahrain Human Rights Organization. These groups are composed of small numbers of emigres living in self-imposed exile and reportedly receive funding from sources hostile to the Government.

The Government maintains that it is not opposed to visits by bona fide human rights organizations. In recent years, the Government has allowed increased access by international human rights organizations. In June 1999, the Government received a delegation from Amnesty International, which issued a brief statement that noted that it was invited by the Government but was not allowed to meet with all persons to whom it requested access. Middle East Watch and Human Rights Watch representatives also visited the country in 1999. In 1996 the Government invited the ICRC to undertake visits to the country's prisons. The ICRC continued to visit the country's prisons throughout the year (see Section 1.c.).

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution provides for equality, equal opportunity, and the right to medical care, welfare, education, property, capital, and work for all citizens. However, in practice these rights are protected unevenly, depending on the individual's social status, ethnicity, or sex.

*Women.*—Violence against women occurs, but incidents usually are kept within the family. In general there is little public attention to, or discussion of, the problem. During the year, a few articles appeared in the local press discussing violence against women and the need for laws to defend women who are abused. No government policies explicitly address violence against women. Women's groups and health care professionals state that spouse abuse is common, particularly in poorer communities. There are very few known instances of women seeking legal redress for violence. Anecdotal evidence suggests that the courts are not receptive to such cases.

It is not uncommon for foreign women working as domestic workers to be beaten or sexually abused (see Sections 6.c. and 6.e.). Numerous cases have been reported to local embassies and the police. However, most victims are too intimidated to sue their employers. Courts reportedly have allowed victims who do appear to sue for damages, return home, or both.

Shari'a governs the legal rights of women. Specific rights vary according to Shi'a or Sunni interpretations of Islamic law, as determined by the individual's faith, or by the court in which various contracts, including marriage, have been made.

While both Shi'a and Sunni women have the right to initiate a divorce, religious courts may refuse the request. Although local religious courts may grant a divorce to Shi'a women in routine cases, occasionally Shi'a women seeking divorce under unusual circumstances must travel abroad to seek a higher ranking opinion than that available in the country. Women of either branch may own and inherit property and

may represent themselves in all public and legal matters. In the absence of a direct male heir, Shi'a women may inherit all property. In contrast, Sunni women—in the absence of a direct male heir—inherit only a portion as governed by Shari'a; the balance is divided among brothers, uncles, and male cousins of the deceased.

In divorce cases, the courts routinely grant Shi'a and Sunni women custody of daughters under the age of 9 and sons under age 7, although custody usually reverts to the father once the children reach those ages. In all circumstances except mental incapacitation, the father, regardless of custody decisions, retains the right to make certain legal decisions for his children, such as guardianship of any property belonging to the child, until the child reaches legal age. A noncitizen woman automatically loses custody of her children if she divorces their citizen father.

Women may obtain passports and leave the country without the permission of the male head of the household. Women are free to work outside the home, to drive cars without escorts, and to wear the clothing of their choice. Women increasingly have taken jobs previously reserved for men. The Labor Law does not discriminate against women; however, in practice, there is discrimination in the workplace, including inequality of wages and denial of opportunity for advancement. Women constitute about 20 percent of the work force. The Government has encouraged the hiring of women, enacted special laws to promote female entry into the work force, and is a leading employer of women. The Labor Law does not recognize the concept of equal pay for equal work, and women frequently are paid less than men. Generally women work outside the home during the years between secondary school or university and marriage. Some women complain that admissions policies at the National University are aimed at increasing the number of male students at the expense of qualified female applicants, especially Shi'a women. Nevertheless, women make up the majority of students at the country's universities.

There are women's organizations in the country, but they are not very active. The National Women's Union, established in 1979, is the largest and most influential. It has a membership of about 100,000 and is affiliated with the government. It has a journal, *Al-Nahda*, and a radio program. It also has a women's center in the capital, which provides training and counseling for women. There are also several private women's organizations, including the *Al-Nahda* Women's Center, which provides training and counseling for women. There are also several private women's organizations, including the *Al-Nahda* Women's Center, which provides training and counseling for women.

disabled as special cases in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for disabled persons who wish to work and maintains a list of certified, trained disabled persons. The Labor Law of 1976 also requires that any employer of over 100 persons must engage at least 2 percent of its employees from the Government's list of disabled workers; however, the Government does not monitor compliance. The Ministry of Labor and Social Affairs works actively to place the disabled in public sector jobs, such as in the public telephone exchanges. The Government's housing regulations require that access be provided to disabled persons. Greater emphasis has been given in recent years to public building design that incorporates access for the disabled; however, the law does not mandate access to buildings for persons with disabilities.

*Religious Minorities.*—Although there are notable exceptions, the Sunni Muslim minority enjoys a favored status. Sunnis receive preference for employment in sensitive government positions and in the managerial ranks of the civil service. While the defense and internal security forces are predominantly Sunni, Shi'a citizens now are allowed to hold posts in these forces; however, they do not hold significant positions. In the private sector, Shi'a citizens tend to be employed in lower paid, less skilled jobs.

Educational, social, and municipal services in most Shi'a neighborhoods, particularly in rural villages, are inferior to those found in Sunni urban communities. In an effort to remedy societal discrimination, the Government has built numerous subsidized housing complexes that are open to all citizens on the basis of financial need. In order to ease both the housing shortage and strains on the national budget, in 1997 the Government revised its policy in order to permit lending institutions to finance mortgages on apartment units.

After demonstrations in support of Palestinians on October 13 (see Section 2.b.), several youths and men reportedly boarded a bus carrying Catholic parishioners and took Bibles from the parishioners throwing some of the Bibles out of bus windows.

*National/Racial/Ethnic Minorities.*—A group of approximately 9,000 to 15,000 persons, mostly Shi'a of Persian-origin but including some Christians, are stateless. Many are second- or third-generation residents whose ancestors emigrated from Iran. Although they no longer claim Iranian citizenship, most have not been granted Bahraini citizenship. Without citizenship, bidoon legally are unable to buy land, start a business, or obtain government loans, although in practice many do. The law does not address the citizenship rights of persons who were not registered with the authorities prior to 1959, which creates a legal problem for such persons and their descendants, and results in economic and other hardships. The Government maintains that many of those who claim to be bidoon actually are citizens of Iran or other Gulf states who have chosen voluntarily not to renew their foreign passports. Bidoon and citizens who speak Farsi rather than Arabic as their first language also face significant social and economic obstacles, including difficulty finding employment. There were unconfirmed reports that over 200 bidoon families received citizenship during the year.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The partially suspended 1973 Constitution recognizes the right of workers to organize; however, independent trade unions do not exist. The Constitution provides for "freedom to form associations and trade unions on national bases and for lawful objectives and by peaceful means," in accordance with the law, and states that "no person shall be compelled to join or remain in any association or union."

Labor regulations permit the formation of elected workers' committees in larger companies. Worker representation is based on a system of Joint Labor-Management Committees (JLC's) that are established by ministerial decree. One JLC was established in November, bringing the total to 20.

The JLC's are composed of equal numbers of appointed management representatives and worker representatives who are elected from and by company employees in elections organized by management. Each committee is chaired alternately by a management and worker representative. The selection of worker representatives appears to be fair. Under the law, the Ministry of Interior may exclude worker candidates with criminal records or those deemed a threat to national security, but the Government has not taken such action in recent years.

The elected worker representatives of the JLC's select the 11 members of the General Committee of Bahrain workers (GCBW), which was established by law in 1983, and which oversees and coordinates the work of the JLC's. The GCBW also hears complaints from Bahraini and foreign workers and assists them in bringing their complaints to the attention of the Ministry of Labor or the courts. In 1998 elections

were held for 3-year terms for representatives to the GCBW. Workers from a variety of occupations were elected to the body, including Sunni and Shi'a Muslims, foreign workers, and one woman. The elections, which were by secret ballot, appeared to be free and fair.

Although the Government and company management are not represented on the GCBW, the Ministry of Labor closely monitors the body's activities and a Ministry representative attends and supervises GCBW general meetings. It approves the GCBW's rules and the distribution of the GCBW's funds. Some senior JLC and GCBW officials have been harassed. The JLC-GCBW system represents nearly 70 percent of the country's indigenous industrial workers. Both the Government and labor representatives readily admit that nonindustrial workers and foreign workers clearly are underrepresented in the system. The Ministry of Labor and Social Affairs supports the formation of JLC's in all public and private sector companies that employ more than 200 workers, and a JLC was established in the textile sector in 1999.

Although foreign workers constitute 67 percent of the work force, they are underrepresented in the GCBW. Foreign workers participate in the JLC elections, and five foreign workers currently serve on JLC's. However, none sits on the board of the GCBW. It is a long-term goal of both the Government and the GCBW to replace foreign workers with citizens throughout all sectors of the economy and to create new jobs for citizens seeking employment.

The Labor Law is silent on the right to strike, and there were no strikes during the year. Actions perceived to be detrimental to the "existing relationship" between employers and employees or to the economic health of the State are forbidden by the 1974 Security Act. There were no recent examples of major strikes, but walkouts and other job actions have been known to occur in the past without governmental intervention and with positive results for the workers.

Internationally affiliated trade unions do not exist. The GCBW represents workers in the Arab Labor Organization, but does not belong to any international trade union organizations.

*b. The Right to Organize and Bargain Collectively.*—As in the case of strikes, the Labor Law neither grants nor denies workers the right to organize and bargain collectively outside the JLC system. While the JLC's are empowered to discuss labor disputes, organize workers' services, and discuss wages, working conditions, and productivity, workers have no independent, recognized vehicle for representing their interests on these or other labor-related issues. Minimum wage rates for public sector employees are established by Council of Ministers' decrees. Private businesses generally follow the Government's lead in establishing their wage rates.

There are two export processing zones. Labor law and practice are the same in these zones as in the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by law; however, in practice the labor laws apply for the most part only to citizens, and abuses occur, particularly in the cases of domestic workers and those working illegally. The law also prohibits forced and bonded child labor, and the Government enforces this prohibition effectively.

Foreign workers, who make up at least 67 percent of the workforce, in many cases arrive in the country under the sponsorship of an employer and then switch jobs while continuing to pay a fee to their original sponsor. This practice makes it difficult to monitor and control the employment conditions of domestic and other workers; the Government took no substantive action during the year to stop the practice.

Labor Law amendments passed in 1993 stiffened the penalties for job switching to include jail sentences of up to 6 months for the sponsor of every illegally sponsored worker; however, sponsors have not received jail sentences. In such cases, the workers involved usually are deported as illegal immigrants after the case is concluded. During the summer and fall of 1998, the Government conducted an amnesty program under which undocumented foreign workers were permitted either to legalize their status or leave the country without penalty. On October 1, the Government again gave illegal immigrants 3 months (until December 31) to legalize their status or leave the country.

The sponsorship system leads to additional abuses. There are numerous credible reports that employers withhold salaries from their foreign workers for months, even years, at a time, and may refuse to grant them the necessary permission to leave the country. The Government and the courts generally work to rectify abuses brought to their attention, but they otherwise focus little attention on the problem, and the fear of deportation or employer retaliation prevents many foreign workers from making complaints to the authorities (see Section 6.e.).

Labor Laws do not apply to domestic servants. There are numerous credible reports that domestic servants, especially women, are forced to work 12- or 16-hour



days, given little time off, and subjected to malnutrition, and verbal and physical abuse, including sexual molestation and rape. Between 30 to 40 percent of the suicide cases handled by the Government's psychiatric hospitals are foreign maids (see Section 6.e.).

Foreign women employed as hotel and restaurant staff typically are locked in a communal house when not working and driven to work in a van. Many are involved in prostitution and reportedly trade sexual favors with hotel managers in exchange for time off from work (see Section 6.f.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum age for employment is 14 years of age. Juveniles between the ages of 14 and 16 may not be employed in hazardous conditions or at night and may not work more than 6 hours per day or on a piecework basis. Child labor laws are enforced effectively by Ministry of Labor inspectors in the industrial sector; child labor outside that sector is monitored less effectively, but it is not believed to be significant outside family-operated businesses, and even in that sector it is not widespread. Some children work in the market areas as car washers and porters. While the Constitution calls for compulsory education at the primary levels, authorities do not enforce attendance (see Section 5). The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

*e. Acceptable Conditions of Work.*—Minimum wage scales, set by government decree, exist for public sector employees and generally provide a decent standard of living for a worker and family. The minimum wage for the public sector is \$278.25 (105 dinars) a month. Wages in the private sector are determined on a contract basis. For foreign workers, employers consider benefits such as annual trips home, housing, and education bonuses as part of the salary.

The Labor Law, enforced by the Ministry of Labor and Social Affairs, mandates acceptable conditions of work for all adult workers, including adequate standards regarding hours of work (maximum 48 hours per week) and occupational safety and health.

The Ministry enforces the law with periodic inspections and routine fines for violators. The press often performs an ombudsman function on labor problems, reporting job disputes and the results of labor cases brought before the courts. Once a worker has lodged a complaint, the Ministry of Labor and Social Affairs opens an investigation and often takes remedial action. The Fourth High Court has jurisdiction over cases involving alleged violations of the Labor Law. Complaints brought before the Ministry of Labor and Social Affairs that cannot be settled through arbitration by law must be referred to the Court within 15 days. In practice most employers prefer to settle such disputes through arbitration, particularly since the court and labor law generally are considered to favor the employee.

The Labor Law specifically favors citizens over foreign workers and Arab foreigners over other foreign workers in hiring and firing. Because employers include housing and other allowances in their salary scales, foreign workers legally can be paid lower regular wages than their citizen counterparts, although they sometimes receive the same or a greater total compensation package because of home leave and holiday allowances. Western foreign workers and citizen workers are paid comparable wages, with total compensation packages often significantly greater for the former. Women are entitled to 60 days of paid maternity leave and nursing periods during the day. However, women generally are paid less than men.

In 1993 the Government strengthened the Labor Law by decree of the Amir, announcing that significant fines and jail sentences would be imposed upon private sector employers who fail to pay wages required by law. This law applies equally to employers of citizens and foreign workers and was intended to reduce abuses against foreign workers, who sometimes are denied the required salaries (see Section 6.c.). The law provides equal protection to citizen and foreign workers, but all foreign workers still require sponsorship by citizens or locally based institutions and companies. According to representatives of several embassies with large numbers of workers in the country, the Government generally is responsive to embassy requests to investigate foreign worker complaints about unpaid wages and mistreatment. However, foreign workers, particularly those from developing countries, often are unwilling to report abuses for fear of losing residence rights and having to return to their native countries. Sponsors are able to cancel the residence permit of any person under their sponsorship and thereby block them for a year from obtaining entry or residence visas from another sponsor, although the sponsor may be subject to sanctions for wrongful dismissal. Foreign women who work as domestic workers often are beaten or sexually abused (see Section 5). Between 30 to 40 percent of suicide cases handled by the Government's psychiatric hospitals are foreign maids (see Section 6.c.).

Under the Labor Law, workers have the right to remove themselves from dangerous work situations without jeopardy to their continued employment.

*f. Trafficking in Persons.*—The law prohibits trafficking in persons; however, many foreign workers become in essence indentured workers, and are unable to change employment or leave the country without their sponsors' consent (see Section 6.c.).

Prostitution is pervasive among foreign women, especially among hotel and restaurant staff. Such women typically are locked in a communal house when not working and driven to work in a van. Many female hotel employees reportedly trade sexual favors with hotel managers in exchange for time off from work (see Section 6.c.).

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## EGYPT

According to its Constitution, Egypt is a social democracy in which Islam is the state religion. The National Democratic Party (NDP), which has governed since its establishment in 1978, has used its entrenched position to dominate national politics and maintains an overriding majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. President Hosni Mubarak was reelected unopposed to a fourth 6-year term in a national referendum in September 1999. The Cabinet and the country's 26 governors are appointed by the President and may be dismissed by him at his discretion. The judiciary is independent; however, there is no appellate process for verdicts issued by the military or State Security Emergency courts.

There are several security services in the Ministry of Interior, two of which are involved primarily in combating terrorism: The State Security Investigations Sector (SSIS), which conducts investigations and interrogates detainees, and the Central Security Force (CSF), which enforces curfews and bans on public demonstrations, and conducts paramilitary operations against terrorists. The President is the commander in chief of the military; the military is a primary stabilizing factor within society but generally does not involve itself in internal issues. The security forces committed numerous serious human rights abuses; however, the use of force in the campaign against suspected terrorists appeared more limited than in previous years.

Egypt is in transition from a Government-controlled economy to a free market system. The Government continued its privatization program, although some key sectors of the economy (such as banking, oil/gas, insurance, and textiles) still are dominated by State-owned enterprises. Agriculture remains the largest employer and is almost entirely in private hands. The tourism sector generates the largest amount of foreign currency. Petroleum exports, Suez Canal revenues, and remittances from approximately 2 million citizens working abroad are the other principal sources of foreign currency. These income sources are vulnerable to external shocks. Over the past decade, the Government has enacted significant economic reforms, which have reduced the budget deficit, stabilized the exchange rate, reduced inflation and interest rates significantly, and built up substantial reserves. However, low international oil prices, the 1997 Luxor terrorist attack, and the effects of the South-east Asia economic crisis all negatively affected foreign exchange earnings in from 1997 through 1999, causing the trade and current account balance deficits to widen and negatively affecting the exchange rate. After initially attempting to stabilize the exchange rate by drawing down reserves, increasing interest rates, rationing foreign exchange, and implementing restrictive trade measures, the Government allowed the exchange rate to depreciate slowly in the second half of 2000. Continued progress in economic development depends primarily upon implementation of a wide range of structural reforms, the pace of which has slowed significantly over the past 1 to 2 years. The per capita gross domestic product (GDP) is about \$1,400 per year. Official statistics place 34.4 percent of wage earners in the agricultural sector, and knowledgeable observers estimate that perhaps 3 to 5 percent of those engage in subsistence farming. The annual population increase is 1.9 percent.

The Government generally respected the human rights of its citizens in some areas, and its record improved somewhat over the previous year, primarily due to a decrease in terrorist activity by Islamic extremists; however, the Government's record was poor with respect to freedom of expression and its treatment of detainees, among other areas. The dominant role of the President and the entrenched NDP control the political scene to such an extent that citizens do not have a meaningful ability to change their Government. In parliamentary elections that were held between October 18 and November 15, the NDP won 172 seats, independent can-

didates won 255 seats, and opposition parties won 17 seats. However, many of the independents elected were former members of the NDP who rejoined the party after being elected, leaving the People's Assembly balance at 388 NDP members, 37 independents, and 17 opposition party members out of 444 elected members, with two seats unresolved at year's end. Due to courtordered supervision by the judiciary of the voting and vote-counting, the process was fairer and more transparent than past parliamentary elections; however, there were significant problems, including the arrests of thousands of members of the Muslim Brotherhood in the months before the elections.

The Emergency Law, which has been in effect since 1981 and was renewed for another 3 years in June, continues to restrict many basic rights. The security forces continued to arrest and detain suspected members of terrorist groups. In combating terrorism, the security forces continued to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engage in mass arrests. In actions unrelated to the antiterrorist campaign, local police killed, tortured, and otherwise abused both criminal suspects and other persons. The Government took disciplinary action against police officers accused of abusing detainees, including prosecution of several offenders, but it did not pursue most cases or seek adequate punishments. The investigation that the Public Prosecutor reopened and expanded in 1999 regarding police brutality and torture during a 1998 police investigation of a double murder in the largely Coptic village of Al-Kush in Sohag governorate, continued without resolution throughout the year.

Prison conditions remain poor. The Ministry of Interior released more than 1,300 political detainees and prisoners, bringing the total number of detainees released since 1998 to more than 7,000. The use of military courts to try civilians continued to infringe on a defendant's right to a fair trial before an independent judiciary. During the year, the Government did not refer any new cases involving civilians to the military courts; however, the military court issued its verdict on November 19 in a trial involving 20 leaders of the Muslim Brotherhood, who were referred to the court in October 1999 on charges of illegal political activity. Three of the defendants were sentenced to 5 years in prison, 12 were sentenced to 3 years, and five were acquitted. Most observers believe that the Government was seeking to undermine Muslim Brotherhood participation in the elections to professional syndicates and the People's Assembly.

The Government used the Emergency Law to infringe on citizens' privacy rights. Although citizens generally express themselves freely, the Government partially restricts freedom of the press. The Government significantly restricts freedom of assembly and association. The Government places restrictions on freedom of religion. Despite difficulties due to an inadequate legal framework and periodic Government harassment, a number of local human rights groups are active. Although the Government does not recognize them legally, it allows these groups to operate openly.

Domestic violence against women is a problem. Although the Government enforces the 1996 decree banning the practice of female genital mutilation (FGM), many families persist in subjecting their daughters to the traditional practice. Women and Christians face discrimination based on tradition and some aspects of the law. Adult literacy rates are 63 percent for males and 34 percent for females. There were no reports of terrorist attacks against Christians during the year, but in incidents unrelated to terrorism 1 Christian was killed and 10 were wounded by Muslim extremists. New year's violence in Sohag governorate resulted in the deaths of 21 Christians and 1 Muslim. Child labor remains widespread, despite Government efforts to eradicate it. Exposure of workers to hazardous working conditions and other abuses of the law by employers continue, and the Government does not enforce the labor laws effectively. The Government limits workers' rights.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings; however, police committed extrajudicial killings, and such killings also may have occurred in certain antiterrorist operations.

Human rights organizations and the press reported on the death in custody of the following eight persons during the year, all of whom allegedly were tortured while being detained by police under suspicion of criminal activity: Sami Hosni Ahmed, Ahmed Hassan Ahmed, Mohamed Tawfik Hassan Sayyed, Sayyed Kenawi Selim, Abdel Hamid Ramadan Abdel Hamid Zahran, Ahmed Mohamed Eissa, Haytham Mohamed Abdel Aziz, and Mohamed Islam Nasr Eddine (see Section 1.c.). In addition, several cases of death under police torture from previous years remain unresolved.

Mohammed Mahmoud Hamouda died in prison during the year, reportedly due to diabetes and cardiac problems, during the Government's investigation of a case in which 16 persons were accused of heresy against Islam (see Sections 1.e. and 2.c.).

The London-based Islamic Observation Center announced on December 22 that 37-year-old Mohammed Saad Osman Ahmad died in Tora prison in early December due to untreated leukemia. Ahmad allegedly had completed a 5-year prison sentence in 1998 but was not released.

On June 6, the Banha Criminal Court (Daqahliyya governorate) sentenced police Captain Abdel Nasser Zeidan of the Shubra AlKheima investigations department to a 1-year suspended sentence for killing a suspected thief. The officer reportedly raided the home of 19-year-old Mosaad Ahmed Youssef in March without an arrest or search warrant and shot him three times in the back and head. On August 10, the Mansoura criminal court acquitted a police major and four other policemen in the April 9, 1998 death under torture of Waheed Al-Sayyid Ahmad Abdallah (see Section 1.c.).

As part of ongoing antiterrorist campaigns, on October 19, security forces killed two members of the "Islamic Group of Egypt" (IG) in Aswan, including Alaa Abdel Razek Atiyya, who reportedly was in charge of IG armed operations in Qena, Sohag, and Luxor. There were no reports of killings of relatives of suspected extremists by security forces in apparent vendettas.

A trade dispute between a Christian clothing merchant and a Muslim customer on December 31, 1999, escalated into violent exchanges between Muslims and Christians in Sohag governorate, resulting in the deaths of 21 Christians and 1 Muslim. One trial concluded in September and another was ongoing at year's end (see Section 5).

On June 22, a State Security Emergency court sentenced four members of a terrorist group from the upper (southern) Egyptian city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's to 5 years' imprisonment at hard labor (see Sections 1.e. and 5.).

*b. Disappearance.*—There were no reports of new cases of politically motivated disappearances.

In November the Human Rights Center for the Assistance of Prisoners reported on a total of 26 unresolved disappearances, including 3 previously unreported cases of persons who disappeared in 1996 and 1997. The Center learned that three persons previously reported missing are in prison, and that two disappearances did not involve police. The Egyptian Organization for Human Rights (EOHR) continues to investigate 30 previously reported disappearances. EOHR has provided these names to the U.N. Committee on Disappearances, but the Government reportedly has denied any involvement in these cases.

On February 8, the Court of Cassation accepted an appeal by the Minister of Interior of a 1999 court decision ordering him to pay Bahaa Al-Amary, the wife of former Libyan Foreign Minister Mansur Kikhiya, \$27,000 (100,000 Egyptian pounds). Kikhiya's family sued the Government following reports that he had been kidnaped from Cairo by Libyan agents, taken to Libya, and executed there in 1994. The court awarded the sum as compensation for the Ministry of Interior's inability to protect a foreign dignitary on Egyptian soil. The Court of Cassation ordered that the case be retried due to a technicality. The lower court had not tried the case by year's end.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained; however, torture and abuse of detainees by police, security personnel, and prison guards is common.

Under the Penal Code, torture of a defendant or giving orders to torture are felonies punishable by hard labor or 3 to 10 years' imprisonment. If the defendant dies under torture, the crime is one of intentional murder punishable by a life sentence at hard labor. Arrest without due cause, threatening death, or using physical torture is punishable by temporary hard labor. Abuse of power to inflict cruelty against persons is punishable by imprisonment of no more than 1 year or a fine of no more than \$33 (125 Egyptian pounds). In addition, victims may bring a criminal or civil action for compensation against the responsible Government agency. There is no statute of limitation in such cases.

Despite these legal safeguards, there were numerous credible reports that security forces tortured and mistreated citizens. Reports of torture and mistreatment at police stations remain frequent. While the Government has investigated torture complaints in criminal cases and punished some offending officers, the punishments do not conform to the seriousness of the offense.

While the law requires security authorities to keep written records of detained citizens, human rights groups report that such records often are not available, not found, or that the police deny any knowledge of the detainee when inquiries are made about specific cases, effectively blocking the investigation of torture complaints.

Human rights groups believe that the SSIS continues to employ torture. Torture takes place in SSIS offices, including its headquarters in Cairo, and at Central Security Force camps. Torture victims usually are taken to an SSIS office, where they are handcuffed, blindfolded, and questioned about their associations, religious beliefs, and political views. Torture is used to extract information, coerce the victims to end their antigovernment activities, and deter others from similar activities.

In January the EOHR released a report documenting in detail 13 cases of torture that occurred in police stations during the latter half of 1999, 2 of which ended in death. Methods of torture employed by the police, as reported by victims, included: Being stripped and blindfolded; suspended from a ceiling or doorframe with feet just touching the floor; beaten with fists, metal rods, or other objects; doused with hot or cold water; flogged on the back; burned with cigarettes; and subjected to electrical shocks. Some victims, including female detainees or family members of detainees, report that they have been forced to strip and threatened with rape.

Human rights organizations and the press reported on the death in custody of eight persons, reportedly under police torture, during the year (see Section 1.a.). All were being held on suspicion of criminal activity. The Human Rights Center for the Assistance of Prisoners reported the death under torture of Ahmed Mohamed Eissa on February 10 in New Valley Prison. Upon receiving a report of the death, the Public Prosecutor investigated the case and took testimony from inmates. The Public Prosecutor referred the Deputy Chief of Wadi Natroun Prison, a prison officer, and two policemen to the criminal court on charges of beating an inmate to death and forging a prison report stating that the death was from natural causes. The Shebeen El-Kom criminal court is reviewing the case, but no date for a court hearing had been set by year's end.

The EOHR is investigating the following deaths in custody after receiving complaints from family members of the deceased, who believe they died under torture: Sami Hosni Ahmed, who died on February 9 at the Boulaq police station in Cairo, just hours after his arrest; Ahmed Hassan Ahmed, who died on March 2 at the Shubra Al-Kheima police station in Qalyubia, 4 days after his arrest; 17-year-old Mohamed Tawfik Hassan Sayyed, who died on March 5 in the Gamaliyya district of Cairo; Sayyed Kenawi Selim, who died on March 7 in the Imbaba district in Cairo, 10 days after his arrest on suspicion of theft; Abdel Hamid Ramadan Abdel Hamid Zahran, who died on March 11 at the Qalyub police station in Qalyubia, shortly after returning from interrogation in the Qalyub Security Directorate. An autopsy report in the Zahran case reportedly cited respiratory and cardiac failure as the cause of death and noted a blood clot in the brain, broken ribs, and bruises in the kidney area.

In addition, the press reported the following deaths in custody, which reportedly were due to police torture or mistreatment: Haytham Mohamed Abdel Aziz, who reportedly died in Alexandria prison under suspicious circumstances (according to the press, a forensic postmortem showed several obvious bruises, as well as tuberculosis) and Mohamed Islam Nasr Eddine, a 49-year old Pakistani sentenced to life at hard labor for drug possession, who reportedly died in Qanatir prison from severe failure of the circulatory system. The latter incident was under police investigation at year's end.

Regarding judicial action on previous cases of death under torture, on August 10, the Mansoura criminal court acquitted a police major and four other policemen in the April 9, 1998 death under torture of Waheed Al-Sayyid Ahmad Abdallah. According to a human rights organization, the accused police major paid Abdallah's family to change their testimony, which led to the acquittal. On November 16, the Aswan Criminal Court ruled on case in which Mohei Eddin Ahmed Mohamed, who was suspected of theft at a construction site, was tortured for 3 days in a police station, which led to his death in March 1999. A fellow worker who reportedly tried to intervene on the suspect's behalf, Haroun Ahmed Hamdallah, also was tortured and left paralyzed. The court dismissed an Aswan police officer from the force and sentenced him to 7 years in prison, and dismissed an assistant officer and sentenced him to 3 years in prison. The Government took no action during the year on several outstanding cases of death under torture, including the case of Gamel Mohammed Abdallah Mustafa (in 1998), the case of a businessman in the province of Qalyubia (1997), and the case of Mohammed Badr Al-Din Gomah (1996). The Government also took no action regarding the appeal of 1-year sentence given to a policeman

convicted of engaging in torture in 1994. No further government action appears likely in these cases.

At year's end, the public prosecution continued to interview residents of the village of Al-Kush regarding a 1998 murder investigation, during which, according to local observers, dozens of suspects reportedly were tortured and mistreated. The public prosecution reopened and expanded the case in August 1999, 5 months after it had decided that medical evidence did not support allegations of police torture (see sections 2.c and 5.).

Prison conditions remain poor. Government authorities reported the renovation or construction of 14 prisons during the past 6 years. Nonetheless, human rights groups report that overcrowding and unhealthy conditions continue. Cells are poorly ventilated, food is inadequate in quantity and nutritional value, drinking water often is polluted, and medical services are insufficient. Such conditions contribute to the spread of disease and epidemics. The use of torture and mistreatment in prisons continues to be common. In August 1999, the Public Prosecutor ordered his subordinates to visit prisons under their jurisdiction randomly at least once a month. He also instructed them to inspect prison records and to investigate complaints raised by prisoners. Inspections began after the announcement and continued during the year. Results of the inspections were unavailable.

Relatives and lawyers often are unable to obtain access to prisons for visits. In January the Ministry of Interior opened to visits the Fayyoun prison, which had been closed since 1997. Prisons in Abu Zaabal and Tora remain closed to visits. During the year the Human Rights Center for the Assistance of Prisoners obtained 66 rulings by the Higher Administrative court to open the prisons for visits to individual prisoners; 30 other cases are pending before the courts. Human rights groups report that despite the rulings, visits continue to be refused at several prisons. At other prisons, restrictions have been placed on visits to prisoners who are incarcerated for political or terrorist crimes, limiting the number of visits allowed each prisoner and the total number of visitors allowed in the prison at any one time.

In September the Ministry of Interior ordered that prisoners who have served their sentences be released directly rather than transferred to State Security Directorates for processing, which in the past resulted in delayed releases for some prisoners. The Human Rights Center for the Assistance of Prisoners reported that the policy had not been put into effect by year's end for political prisoners, who still were being transferred to State Security for processing after serving their sentences.

In principle human rights monitors are permitted to visit prisoners in their capacity as legal counsel; however, in practice they often face considerable bureaucratic obstacles that prevent them from meeting with prisoners. The International Committee of the Red Cross (ICRC) does not have access to prisons.

*d. Arbitrary Arrest, Detention, or Exile.*—As part of the Government's antiterrorist campaign, security forces conducted mass arrests and detained hundreds of individuals without charge. Police also at times arbitrarily arrested and detained persons. Under the provisions of the Emergency Law, which has been in effect since 1981, the police may obtain an arrest warrant from the Ministry of Interior upon showing that an individual poses a danger to security and public order. This procedure nullifies the constitutional requirement of showing that an individual likely has committed a specific crime to obtain a warrant from a judge or prosecutor.

The Emergency Law allows authorities to detain an individual without charge. After 30 days, a detainee has the right to demand a court hearing to challenge the legality of the detention order and may resubmit his motion for a hearing at 1-month intervals thereafter. There is no maximum limit to the length of detention if the judge continues to uphold the legality of the detention order, or if the detainee fails to exercise his right to a hearing.

In addition to the Emergency Law, the Penal Code also gives the State broad detention powers. Under the Penal Code, prosecutors must bring charges within 48 hours or release the suspect. However, they may detain a suspect for a maximum of 6 months, pending investigation. Arrests under the Penal Code occur openly and with warrants issued by a district prosecutor or judge. There is a system of bail. The Penal Code contains several provisions to combat extremist violence. These provisions broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

During the year, security forces arrested large numbers of persons allegedly associated with the Muslim Brotherhood, which the Government has declared an illegal organization. Attorneys for those arrested say that during the year approximately 5,000 persons were arrested; a domestic human rights organization documented 694 arrests. Most of those arrested had been released by year's end. Public prosecution officials claim that none of the 5,000 was detained administratively and that those still in detention are being held pending investigation of specific charges. On No-

vember 19, a military court issued its verdict in a trial involving 20 leaders of the Muslim Brotherhood referred to the court in October 1999 on charges of illegal political activity. Three were sentenced to 5 years in prison, 12 were sentenced to 3 years, and 5 were acquitted. Most observers believe that the Government was seeking to undermine Muslim Brotherhood participation in the elections to the People's Assembly and professional syndicates (see Sections 1.e., 2.b., and 3).

Police also detained students participating in demonstrations several times during the year. Approximately 75 students were arrested in May when protests at Al-Azhar University against the novel "A Banquet for Seaweed" turned violent (see Section 2.a.). In October at Cairo University and Ayn Shams University, police arrested approximately 40 students protesting Israeli actions against Palestinians in Israel, the West Bank, and Gaza in the fall. According to human rights organizations, all those arrested in the two incidents had been released by year's end, some on bail pending investigation of charges.

In contrast to previous years, there were no confirmed reports during the year that converts to Christianity were subjected to harassment by the security services. Hassan Mohamed Ismail Mohamed, one of four converts previously prevented from traveling, was able to travel abroad in August (see Section 2.c.).

Human rights groups reported that hundreds, perhaps thousands, of persons detained under the Emergency Law have been incarcerated for several years without charge. The courts have ordered the release of several of these detainees, but prison officials reportedly have ignored the orders. The Ministry of Interior frequently reissues detention orders to return detainees to prison. During the year more than 1,300 political detainees and prisoners were released, bringing the total number of detainees released in the past 3 years to more than 7,000. Following the releases, revised prison population estimates by local human rights organizations indicate that there are approximately 15,000-16,000 political detainees; it is not clear how many among them are charged and awaiting trial, convicted and serving sentences, or detained without charge.

The Government does not use forced exile.

*e. Denial of Fair Public Trial.*—The judiciary is independent; however, cases involving national security or terrorism may be handled by military or State Security Emergency courts, in which constitutional protections may not be observed. In addition, judicial orders sometimes are ignored by the authorities. The Constitution provides for the independence and immunity of judges and forbids interference by other authorities in the exercise of their judicial functions. The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges and chaired by the president of the Court of Cassation. The Council regulates judicial promotions and transfers. In the last few years, the Government has added lectures on human rights and other social issues to its training courses for prosecutors and judges.

In the civilian court system there are criminal courts, civil courts, administrative courts, and a Supreme Constitutional Court. There are three levels of regular criminal courts: Primary courts, appeals courts, and the Court of Cassation, which represents the final stage of criminal appeal.

The judicial system is based on the Napoleonic tradition; hence, there are no juries. Misdemeanors that are punishable by imprisonment are heard at the first level by one judge and at the second level by three judges. Felonies that are punishable by imprisonment or execution are heard in criminal court by three judges. Criminal courts also have a State Security division to hear cases considered affecting state security; in these courts the defendant may appeal on procedural grounds only. The Court of Cassation hears appeals of criminal court rulings. Civil courts hear civil cases and administrative courts hear cases contesting government actions or procedures; both systems have upper-level courts to hear appeals. The Supreme Constitutional Court hears challenges to the constitutionality of laws or verdicts in any of the courts.

A lawyer is appointed at the court's expense if the defendant does not have one. Appointed lawyers are drawn from a roster that is chosen by the Bar Association; however, expenses are incurred by the State. Any denial of this right is grounds for appeal of the ruling. However, detainees in certain high security prisons alleged that they were denied access to counsel or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense. A woman's testimony is equal to that of a man's in court. There is no legal prohibition against a woman serving as a judge, although in practice no women serve as judges (see Section 5).

Defense lawyers generally agree that the regular judiciary respects the rights of the accused and exercises its independence. In the past, criminal court judges have dismissed cases in which confessions were obtained by coercion. However, while the judiciary generally is credited with conducting fair trials, under the Emergency

Law, cases involving terrorism and national security may be tried in military or State Security Emergency courts, in which the accused do not receive all the constitutional protections of the civilian judicial system.

In 1992 following a rise in extremist violence, the Government began trying cases of persons accused of terrorism and membership in terrorist groups before military tribunals. In 1993 the Supreme Constitutional Court ruled that the President may invoke the Emergency Law to refer any crime to a military court. This use of military and State Security Emergency courts under the Emergency Law since 1993 has deprived hundreds of civilian defendants of their constitutional right to be tried by a civilian judge.

The Government defends the use of military courts as necessary in terrorism cases, maintaining that trials in the civilian courts are protracted and that civilian judges and their families are vulnerable to terrorist threats. Some civilian judges have confirmed that they fear of trying high visibility terrorism cases because of possible reprisal. The Government claims that civilian defendants receive fair trials in the military courts and enjoy the same rights as defendants in civilian courts.

However, the military courts do not ensure civilian defendants due process before an independent tribunal. While military judges are lawyers, they are also military officers appointed by the Minister of Defense and subject to military discipline. They are neither as independent nor as qualified as civilian judges in applying the civilian Penal Code. There is no appellate process for verdicts issued by military courts; instead, verdicts are subject to a review by other military judges and confirmation by the President, who in practice usually delegates the review function to a senior military officer. Defense attorneys have complained that they have not been given sufficient time to prepare defenses and that judges tend to rush cases involving a large number of defendants.

During the year, the Government did not refer any civilians to the military courts. However, on February 24, the Government executed two members of the "Jihad Group in Egypt" who had been sentenced by military courts to death in absentia in 1994 and 1997. On November 19, a military court issued its verdict in a case that the Government referred to it in October 1999 involving 20 professional leaders of the Muslim Brotherhood charged with belonging to an illegal group. Fifteen of the defendants were given sentences ranging from 3 to 5 years, and 5 were acquitted. The arrests and trial before the military courts coincided with preparations for elections to the boards of professional syndicates and to the People's Assembly; verdicts and sentencing took place after delays, and after the Assembly elections were over (see Sections 1.d., 2.b., and 3).

The State Security Emergency courts share jurisdiction with military courts over crimes affecting national security. The President appoints judges to these courts from the civilian judiciary upon the recommendation of the Minister of Justice and, if he chooses to appoint military judges, the Minister of Defense. Sentences are subject to confirmation by the President but may not be appealed. The President may alter or annul a decision of a State Security Emergency court, including a decision to release a defendant.

During the year, State Security Emergency courts issued verdicts in five cases. On April 13, a State Security Emergency Court, trying the case of 14 defendants alleged to be members of the Islamic Group, sentenced 1 defendant to death, 1 to life in prison, and the other 12 to sentences ranging from between 3 and 10 years. On June 5, a State Security Emergency Court upheld an earlier ruling issued in absentia against Muhammad Mustafa Hassan, who allegedly was a member of the "Returnees from Afghanistan" group. Hassan was sentenced to 10 years at hard labor. On June 22, a State Security Emergency court sentenced four members of a terrorist group from the upper (southern) city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's to 5 years in prison. On September 5, a State Security Emergency Court passed a verdict in the case of 16 defendants led by Manal Wahid Mana'a who were accused of heresy against Islam (see Section 2.c.). The court sentenced Mana'a to 5 years' hard labor, three other defendants to 3 years' hard labor, seven defendants to 1 year hard labor, two defendants to 6 months in prison, and two defendants to a fine of \$375 (1000 Egyptian pounds). One of the defendants died in prison, reportedly from ill health during the investigation. On September 15, a State Security Emergency Court ruled in the case of 10 defendants, 4 of them women, accused of propagating extremist ideas in Giza and Alexandria from 1990 to 1999. The court sentenced two of the defendants to 15 years' hard labor, one to 3 years' hard labor, two to 3 years in prison, and five (including the four women) to 1 year in prison.

On November 18, the State Security division of the South Cairo criminal court (in which the defendant may appeal on procedural grounds only) began hearing the



government's case against Saad Eddin Ibrahim, Director of the Ibn Khaldoun Center for Development Studies (see Sections 2.a. and 4).

According to local human rights organizations, there are approximately 15,000-16,000 political detainees. It is not clear how many among them are charged and awaiting trial, convicted and serving sentences, or detained without charge (see Section 1.d.).

International humanitarian organizations do not have access to political prisoners (see Section 1.c.).

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for the sanctity and secrecy of homes, correspondence, telephone calls, and other means of communication; however, the Emergency Law abridges the constitutional provisions regarding the right to privacy, and the Government used the Emergency Law to infringe on these rights. Police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officers who conduct searches without proper warrants are subject to criminal penalties, although penalties seldom are imposed. The Emergency Law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently place political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screen their correspondence (especially international mail), search them and their homes, and confiscate personal property.

The Ministry of Interior has the authority to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order; it exercises this authority sporadically (also see Section 2.a.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government partially restricts these rights. Citizens openly speak their views on a wide range of political and social issues, including vigorous criticism of Government officials and policies, but generally avoid certain topics, such as direct criticism of the President.

Dr. Saad Eddin Ibrahim, director of the Ibn Khaldoun Center for Development Studies, was put on trial November 18 in a case that most observers believe will have broad implications for freedom of expression. Local observers believe that Ibrahim was prosecuted because of public remarks that he made regarding high-ranking officials that exceeded unwritten limits regarding freedom of expression. Ibrahim was charged with violating the Penal Code by disseminating abroad false information about Egypt, bribing public officials in order to obtain media coverage of Ibn Khaldoun Center activities, misappropriating funds obtained from the European Union (EU), and falsifying documents in order to obtain funds. He also was charged with violating a 1992 military decree prohibiting any citizen or domestic organization from accepting foreign funds without Government permission (his organization accepted \$246,226 (261,000 Euros) from the EU). Twenty-seven employees of the Center also were charged with aiding and abetting Ibrahim in the alleged activities. The Government arrested Ibrahim and closed the Ibn Khaldoun Center on June 30. Ibrahim and the other defendants were released on bail on August 10, and Ibrahim was charged formally on September 26. At the November 18 opening session of Ibrahim's trial before a Higher State Security Court, the three-judge panel granted a defense request for continuance and postponed the next hearing until mid-January 2001.

Observers remain concerned about several aspects of the ongoing trial, especially regarding questions of due process: First, Ibrahim and many of the other defendants were not served formally with their indictments or court papers prior to the trial; second, Ibrahim's request for discovery of the documents that were confiscated from the Ibn Khaldoun Center, which his lawyers claimed were necessary to prepare his defense, had not been granted by the judicial authorities by year's end; and third, Ibrahim is being tried in a State Security Court, from which defendants may appeal once only on procedural grounds, but may not appeal the verdict itself (see Section 1.e.).

In May the Public Prosecutor dropped the Government's case against EOHR secretary general Hafez Abu Se'da. Abu Se'da and EOHR attorney Mustafa Zidane had been charged in December 1998 with violating two articles of the Penal Code (dissemination of false information or inflammatory propaganda that harms public security or public interests and accepting foreign funds with the intent to harm national interests). The charges were dropped in February, and Abu Se'da instead was charged with violating a 1992 military decree prohibiting any Egyptian individual or organization from accepting foreign funds without Government permission, before the case ultimately was dropped altogether in May. The charges against Zidane also

were dropped. The charges were based on an EOHR report that was critical of police conduct during a 1998 murder investigation in Sohag. The State Security Prosecutor alleged that the EOHR had accepted \$25,000 from the British Embassy in Cairo to publish the critical report. In fact, the money was provided by the British Embassy to support a women's legal aid project begun in 1995 (see Sections 2.b. and 4).

The Government owns stock in the three largest daily newspapers, and the President appoints their editors in chief. Although these newspapers generally follow the government line, they sometimes criticize government policies. The Government also holds a monopoly on the printing and distribution of newspapers, including those of the opposition parties. The Government used its monopolistic control of newsprint to limit the output of opposition publications.

Opposition political parties publish their own newspapers but receive a subsidy from the Government and, in some cases, subsidies from foreign interests as well. Most newspapers are weeklies, with the exception of the dailies *Al-Wafd* and *Al-Ahram*, both of which have small circulations. Opposition newspapers frequently publish criticism of the Government. They also give greater prominence to human rights abuses than do state-run newspapers. All party newspapers are required by law to reflect the platform of their party. The Government suspended publication of the semiweekly newspaper *Al-Shaab* in May following a decision by the Political Parties Committee to withdraw recognition from the Islamist-oriented Socialist Labor Party (see Section 3).

The Constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. There are numerous restrictions on legal entities that seek to establish their own newspapers, including a limit of 10 percent ownership by any individual. In January 1998, the People's Assembly approved a law that requires newspapers managed by joint stock companies to obtain the approval of the Prime Minister prior to publishing. Given government restrictions, a joint stock company is the only feasible incorporation option for publishers.

The Government permitted the establishment of one new publication during the year and allowed two others to resume publication. The Ministry of Culture began publishing a new weekly newspaper, *Al-Qahira*, using the existing license of another publication. In May the Court of Ethics ruled that it did not have the jurisdiction to review a government appeal of a January 1999 Supreme Constitutional Court ruling on a 1981 decree that abolished a monthly publication called *Al-Mawqif Al-Arabi*, thus allowing publication of the monthly to resume after nearly 20 years. In August the Higher Administrative Court overturned a 1999 government decision to revoke the license of the newspaper *Sawt Al-Umma* for alleged violations by the publisher of joint stock company regulations. The newspaper later resumed publication.

Several other publications failed to obtain licenses or lost related court cases, thereby losing the right to publish. In June the Higher Administrative Court overturned a lower court decision that would have allowed the newspaper *Al-Karama* to be published, after the publisher contested the Prime Minister's refusal to act on his request for approval of a joint stock company formed to publish the paper. In June the Higher Administrative Court upheld a lower court decision to stop publication of the Liberal Party publication *Akhbar Al-Beheira*, based on an article in the Political Parties Law providing that no party with fewer than 10 members in parliament may publish a newspaper.

Because of the difficulties in obtaining a license in Egypt, several publishers of newspapers and magazines developed for the country's market have obtained a foreign license. Most of these publications are printed in the free trade zone. Newspapers and magazines published under a foreign license may be distributed with government permission. However, the Department of Censorship in the Ministry of Information has the authority also to censor or halt distribution of publications printed in the free trade zone under a foreign license. In April the Ministry confiscated one issue of the foreign-licensed newspaper *Al-Tadamun*, reportedly due to an article it contained that supported Iraq. The English-language weekly newspaper the Middle East Times reported no government censorship of its articles during the year. The newspaper closed its offices and moved to Cyprus in October for financial reasons. The Center for Human Rights and Legal Assistance in 1999 organized a legal challenge to the constitutionality of the Information Ministry's censorship of offshore publications. The Supreme Constitutional Court began hearing the case in December, but had not issued a decision by year's end.

The Penal Code, Press Law, and Publications Law govern press issues. The Penal Code stipulates fines or imprisonment for criticism of the President, members of the Government, and foreign heads of state. The Supreme Constitutional Court agreed in 1998 to review the constitutionality of those articles of the Penal Code that specify imprisonment as a penalty for journalists convicted of libel. The case was sched-

uled to begin in January 2001. The Press and Publication Laws ostensibly provide protection against malicious and unsubstantiated reporting. Financial penalties for violations were increased substantially in 1996 when relevant provisions of the Penal Code were revised, but the judicial process remains long and costly, creating a bar to realistic legal recourse for those wrongly defamed. In recent years, opposition party newspapers have within limits published articles critical of the President and foreign heads of state without being charged or harassed. The Government continues to charge journalists with libel. In October 1999, the Public Prosecutor charged editor Mohamed Hassan Al-Banna and journalist Fouad Fawaz of the weekly newspaper Al-Khamis with insulting Libyan leader Mu'ammar Al-Qadhafi. The case reportedly was settled out of court during the year.

In 1996 the People's Assembly approved a revised Press Law following criticism of a more restrictive revision that had been approved in 1995. The People's Assembly also revised certain articles in the Penal Code pertaining to libel and slander. In addition in 1997 the Supreme Constitutional Court declared unconstitutional Article 195 of the Penal Code under which an editor in chief could have been considered criminally responsible for libel contained in any portion of the newspaper. The Court ruled that the correct standard of responsibility should be "negligence." The courts subsequently applied this lesser standard.

Courts tried several prominent cases of slander during the year. In April the Court of Cassation upheld a 1999 criminal court conviction of four journalists from the opposition daily newspaper Al-Shaab of libeling Youssef Wally, the Deputy Prime Minister and Minister of Agriculture. Editor in chief Magdy Hussein and reporter Salah Bedewi were sentenced to 2 years in prison, and each was fined about \$5,300 (20,000 Egyptian pounds). Cartoonist Essam Hanafi received the same fine and a 1-year sentence. A fourth Al-Shaab journalist, Adel Hussein, was convicted of libel and fined the same amount. In a separate case in May, five journalists from Al-Shaab (Magdy Hussein, Essam Hanafi, Talaat Rumeih, Adel Hussein, and Amer Soliman) were given sentences ranging from fines of about \$2000 (7,500 Egyptian pounds) to 6 months in prison for slandering businessman Hussein Sabour. Hussein, Bedewi, and Hanafi all were released by year's end. In April the Court of Misdemeanors sentenced five journalists from the newspaper Al-Ahram (Salah Qabadaya, Hossam Soliman Moussa, Mohamed Abdel Fahim Aboul Nour, Hisham Mohamed Mustafa, and Nabil Sadek Rizkallah) to 6 months in prison at hard labor and fines of about \$2000 (7,500 Egyptian pounds) each for slander against Egypt Air President Fahim ElRayyan. During the year the courts also acquitted six journalists of slander and dismissed one case. Journalist Ashraf Ayoub's 1-year sentence for libel in 1999 was dropped during the year, after the newspaper that he worked for, Al-Ahali, published a retraction and the businessman who had charged Ayoub withdrew his complaint.

On occasion, and based on authority granted to him by law, the Public Prosecutor may issue a temporary ban on the publication of news pertaining to cases involving national security in order to protect the confidentiality of the cases. The length of the ban is based on the length of time required for the prosecution to prepare its case. In contrast to 1999, the Public Prosecutor did not ban any news items during the year.

The law provides penalties for individuals who disclose information about the State during emergencies, including war and natural disasters. The penalties include fines up to \$1,700 (6,000 Egyptian pounds) and prison sentences up to 3 years. There were no reports in which the law was applied in practice during the year.

In 1998 the People's Assembly approved a law that prohibits current or former members of the police from publishing work-related information without prior permission from the Interior Minister.

Various ministries legally are authorized to ban or confiscate books and other works of art upon obtaining a court order. The Islamic Research Center at Al-Azhar University has legal authority to censor, but not to confiscate, all publications dealing with the Koran and Islamic scriptural texts. In recent years the Center has passed judgment on the suitability of nonreligious books and artistic productions. In 1995 an administrative court ruled that the sole authority to prohibit publication or distribution of books and other works of art is vested in the Ministry of Culture. This decision invalidated a 1994 advisory opinion by a judiciary council that had expanded Al-Azhar's censorship authority to include visual and audio artistic works. The same year, President Mubarak stated that the Government would not allow confiscation of books from the market without a court order, a position supported by the then-Mufti of the Republic, who is now the Grand Imam of Al-Azhar.

The Islamic Research Center at Al-Azhar University ruled during 1999 in favor of distribution of the book "My Father Adam: The Story of the Creation Between Legend and Reality," written by Abdel Sabour Shahine. An Islamist lawyer sued the

Sheikh of Al-Azhar and several other senior Islamic figures in an effort to block publication of the book; a court rejected the suit on February 28. The plaintiff's appeal of the decision was pending at year's end.

The Islamic Research Center also issued a statement on May 17 denouncing the novel "A Banquet for Seaweed," by Syrian author Haidar Haidar, for insulting religious values. The novel, originally published in 1983, was reissued by the Ministry of Culture as part of a series on Arabic literature. Al-Shaab newspaper (of the pro-Islamist Socialist Labor Party) declared the book blasphemous for ridiculing Islam, and initiated a campaign against the book and against the Minister of Culture for reprinting it. Student demonstrations against the book at Al-Azhar University on May 8 turned violent, leading to the arrest of 75 students (see Sections 1.d. and 3). The Minister of Culture initially defended his decision and later relented and agreed to recall the book, but by then copies reportedly had sold out.

There were no court-ordered confiscations of books during the year. During the year, one author was tried and convicted for his writings. A State Security misdemeanor court sentenced author Salaheddine Mohsen to a 6-month suspended sentence in July for "insulting heavenly religions" in his book "The Shivering Light." At the time of his arrest, police confiscated approximately 100 copies of Mohsen's books, which he had published himself. On December 23, Mohsen was arrested at Cairo airport for attempting to leave the country. Upon the appeal of the State Security Prosecutor, who claimed that the sentence was too lenient, the Government ordered that Mohsen be retried. The retrial was pending at year's end. An appeal to the Court of Cassation by author Ala'a Hamed still was pending at year's end. Hamed previously was convicted in 1998 for the alleged pornographic content of his book "The Bed."

The Ministry of Interior regularly confiscates leaflets and other works by Muslim fundamentalists and other critics of the State. During the year, hundreds of suspected members of the illegal Muslim Brotherhood were arrested (see Sections 1.d. and 3). In many cases the press reported that police confiscated written materials such as leaflets during the arrests. On November 19, 15 persons were convicted of offenses related to membership in the Muslim Brotherhood, including possession of leaflets and other written materials related to the organization, and were given sentences ranging from 3 to 5 years in prison.

The Ministry of Interior also has the authority, which it exercises sporadically, to stop specific issues of foreign-published newspapers from entering the country on the grounds of protecting public order (also see Section 1.f.). The Ministry of Defense may ban works about sensitive security issues. The Council of Ministers may order the banning of works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace.

The Ministry of Information owns and operates all domestic television and radio stations. The Government refuses to license private broadcast stations or to privatize the State's broadcast media. In addition to public television, the Government also offers several pay-for-view television channels. Government control and censorship of the broadcast media is significant.

Plays and films must pass Ministry of Culture censorship tests as scripts and as final productions. However, many plays and films that are highly critical of the Government and its policies are not censored. The Ministry of Culture also censors foreign films that are to be shown in theaters, but it is more lenient when the same films are released in videocassette format. Government censors ensure that foreign films made in Egypt portray the country in a favorable light. Censors review scripts before filming, are present during filming, and have the right to review the film before it is sent out of the country.

An appeals court had not yet reviewed the case against the film "Birds of Darkness" by year's end. The plaintiffs charge that it is insulting to lawyers. Two related cases against the movie were dropped in 1997.

Moderate Muslims and secularist writers still are subject to legal action by Islamic extremists. Cairo University professor Nasr Abu Zeid and his wife continue to live abroad following the 1996 Court of Cassation ruling that affirmed lower court judgments that Abu Zeid is an apostate because of his controversial interpretation of Koranic teachings. In August the Supreme Constitutional Court rejected Abu Zeid's contestation of the constitutionality of the 1996 ruling.

The Government does not restrict directly academic freedom at universities. However, some university professors claim that the Government tightened its control over universities in 1994 through a law authorizing university presidents to appoint the deans of the various faculties. Under the previous law, faculty deans were elected by their peers. The Government has justified the measure as a means to combat Islamist influence on campus. The Government also occasionally bans books for use on campuses.

*b. Freedom of Peaceful Assembly and Association.*—The Government significantly restricts freedom of assembly. Under a 1923 law, citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. The Interior Ministry selectively obstructs meetings scheduled to be held on private property and university campuses (also see Section 4). In January security officials prohibited the Group for Democratic Development from conducting a planned seminar on Islamic groups. In October the Government permitted the Cairo Institute for Human Rights Studies to hold a conference on the subject of human rights in the Arab world, which the Government had prohibited in 1999.

The Government significantly restricts freedom of association. In June the Supreme Constitutional Court overturned on procedural grounds Law 153 pertaining to the formation, function, and funding of non-governmental organizations (NGO's) and private foundations, which had been passed by the People's Assembly in June 1999. The previous law governing NGO's, Law 32, was reinstated until a new law could be passed, which had not happened by year's end. Law 153 and the subsequent implementing regulations were controversial, and had drawn mixed reactions from local and international NGO's and activists, some of whom charged that the law and regulations placed unduly burdensome restrictions on NGO's. While many NGO's were registered under Law 153, its overturn and the reinstatement of Law 32 left a number of NGO's that had not yet registered under either Law 153 or Law 32 in an unsettled status regarding registration. (Those that succeeded in registering under Law 153 still were considered registered after the law was overturned.) Three human rights organizations were registered as NGO's during the year: The Center for Human Rights Legal Assistance, the Center for Human Rights Studies and Information, and the Arab Organization for Human Rights. The Arab Organization for Human Rights had sought licensing since 1985. Several other human rights organizations that applied for registration, including the Egyptian Organization for Human Rights, the Human Rights Center for the Assistance of Prisoners, and the Cairo Institute for Human Rights Studies, were not registered by year's end. The EOHR sued to force the Ministry of Insurance and Social Affairs to register the organization, because the Ministry had not replied to EOHR's application within limits mandated under both Law 32 and Law 153. There was no decision on the case by year's end. In September the security services barred Mamdouh Nakhla, a Coptic Orthodox lawyer and human rights activist, from membership on the board of the Youssef El-Rami Charity Society, for "security reasons." Nakhla filed a lawsuit against the Ministers of Interior and Social affairs; no court date had been set by year's end.

Under 1993 legislation governing professional syndicates, at least 50 percent of the general membership of an association must elect the governing board. Failing a quorum, a second election must be held in which at least 30 percent of the membership votes for the board. If such a quorum is unattainable, the judiciary may appoint a caretaker board until new elections can be set. The law was adopted to prevent wellorganized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of these syndicates have reported that Islamists have used irregular electoral techniques such as physically blocking polling places and limiting or changing the location of polling sites.

On June 28, the Government postponed nationwide elections for the Lawyers' Syndicate that had been scheduled for July 1 on the grounds that syndicate offices were inadequate to allow voting by the syndicate's more than 85,000 members. Local observers believe the elections were postponed to prevent victories by Islamists and other oppositionists, as had occurred in previous syndicate elections. In October 1999, the Court of Cassation upheld an earlier court decision to lift the Government sequestration of the Syndicate and to allow elections. Several Administrative Court rulings during the year supported the Syndicate's right to hold elections in its offices, but the elections had not taken place by year's end.

*c. Freedom of Religion.*—The Constitution provides for freedom of belief and the practice of religious rites; however, the Government places restrictions on this right. Most Egyptians are Sunni Muslims. There is a small number of Shi'a Muslims. Approximately 10 percent of the population, or 6 million of 64 million, are Christians, the majority of whom belong to the Coptic Orthodox Church. There are other small Christian denominations, as well as a Jewish community that numbers approximately 200 persons.

Under the Constitution, Islam is the official state religion and primary source of legislation. Accordingly, religious practices that conflict with Shari'a (Islamic law) are prohibited. However, in Egypt the practice of Christianity or Judaism does not conflict with Shari'a and, for the most part, members of the non-Muslim minority worship without harassment and maintain links with coreligionists abroad.

All mosques must be licensed, and the Government is engaged in an effort to control them legally. The Government appoints and pays the salaries of the imams who lead prayers in mosques, proposes themes for them, and monitors their sermons. In December the Minister of Awqaf announced that the Government now controls 52,000 mosques and 11,000 mosques located in private buildings. (There are over 70,000 mosques in the country.) In an effort to combat extremists, the Government has announced its intention to bring all unauthorized mosques under its control by 2002.

Neither the Constitution nor the Civil and Penal Codes prohibit proselytizing or conversion. However, during the past 2 decades, several dozen Christians who were accused of proselytizing or who had converted from Islam to Christianity have been harassed by police or arrested on charges of violating Article 98(F) of the Penal Code, which prohibits citizens from ridiculing or insulting heavenly religions or inciting sectarian strife. No such incidents occurred during the year; however, in June Aziz Tawfik, a Christian who allegedly was engaged in proselytizing activities, was detained briefly by State Security forces. He reportedly was mistreated during his detention. He was released the same day and reportedly has not been harassed since.

There are no restrictions on the conversion of non-Muslims to Islam. However, in cases involving conversion from Islam to Christianity, authorities have charged several converts with violating laws prohibiting the falsification of documents. In such instances, converts, who fear government harassment if they officially register the change from Islam to Christianity, have altered their identification cards and other official documents themselves to reflect their new religious affiliation. There were no reports of such arrests or harassment during the year.

In 1997 human rights activist Mamdouh Naklah filed suit seeking removal of the religious affiliation category from government identification cards. Naklah challenged the constitutionality of a 1994 decree by the Minister of Interior governing the issuance of new identification cards. The court referred the case to the State Commissioner's Office, which in May issued an opinion noting that the legal challenge had not been filed within 60 days of the decree's issuance, as required by law. However, the advisory opinions of the State Commissioner's Office are not binding. The court now is expected to try the case, although no date has been set.

An 1856 Ottoman decree still in force requires non-Muslims to obtain what is now a presidential decree to build a place of worship. In addition, Interior Ministry regulations issued in 1934 specify a set of 10 conditions that the Government must consider prior to issuance of a presidential decree permitting construction of a church. These conditions include the location of the proposed site, the religious composition of the surrounding community, and the proximity of other churches. The Ottoman decree also requires the President to approve permits for the repair of church facilities.

In response to strong criticism of the Ottoman decree, President Mubarak took several steps to facilitate church repairs. In December 1999, President Mubarak issued a decree making the repair of all places of worship subject to a 1976 civil construction code. The decree is significant symbolically because it places churches and mosques on equal footing before the law. The practical impact of the decree has been to facilitate significantly church repairs. During the year, the Government issued 29 permits for church-related construction, including 4 permits for the construction of new churches, 19 permits for churches previously constructed without authorization, and 6 permits for the demolition and reconstruction of existing churches. In addition, the Government reported that local authorities issued more than 350 permits for church-related repair during the year.

However, the approval process for church construction is timeconsuming and insufficiently responsive to the wishes of the Christian community. Although President Mubarak reportedly has approved all requests for permits presented to him, Christians maintain that the Interior Ministry delays—in some instances indefinitely—submission to the President of their requests. They also maintain that security forces have blocked them from utilizing permits that have been issued. For example, a permit issued in 1993 to repair structural damage to a 110-year-old church in a village next to Luxor remains unenforced due to “security reasons.” During the summer, newspapers published a May 22 letter from the secretary general of Assiyut governorate to the head of the Assiyut counsel directing that all church repair requests be screened by security before approved.

In January 1996, human rights activist Mamdouh Naklah filed suit challenging the constitutionality of the Ottoman decree. In December 1998, an administrative court referred Naklah's case to the State Commissioner's Office. In September the Office issued an opinion that the decree is unconstitutional, but that Naklah had

no standing to file the suit. The opinion is not biding; the court had not ruled on the case by year's end.

The Minister of Awqaf, Hamdy Zaqqouq, who is responsible for administering religious trusts, established in 1996 a committee to address a dispute with the Coptic Orthodox Church that originated in 1952. At that time, the Government seized approximately 1,500 acres of land from the Church and transferred title to the Ministry of Awqaf. Based on the committee's recommendations, more than 800 acres have been returned to the Church. The committee continues to review claims to the remaining disputed property.

The Constitution requires schools to offer religious instruction. Public and private schools provide religious instruction according to the faith of the student.

The Government occasionally prosecutes members of religious groups whose practices deviate from mainstream Islamic beliefs and whose activities are believed to jeopardize communal harmony. For example, on November 11, 1999, the State Security Prosecutor arrested 50 persons in Cairo suspected of heresy against Islam. On November 15, 1999, 30 of the detainees were released and the remaining 20 were charged with degrading Islam, inciting strife, and meeting illegally. The lead defendant, a woman named Manal Wahid Mana'a, was accused of attempting to establish a new Islamic offshoot. On September 5, a State Security Emergency Court in Boulaq sentenced 16 of the defendants, including Mana'a to 5 years' hard labor, 3 other defendants to 3 years' hard labor, 7 to 1 year of hard labor, 2 to 6 months in prison, and 2 to a fine of \$375 (1000 Egyptian pounds). One of the defendants died in prison, reportedly from ill health, during the investigation (see Sections 1.e. and 1.a.).

On September 15, a State Security Emergency Court handed down a ruling in the case of 10 defendants, 4 of whom were women, accused of propagating extremist ideas in Giza and Alexandria from 1990 to 1999. The court sentenced two defendants to 15 years' hard labor, one to 3 years' hard labor, two to 3 years in prison, and five (including the four women) to 1 year in prison (see Section 1.e.).

In August 1999, the public prosecutor reopened and expanded an investigation of police torture of mostly Christian detainees that took place during the police investigation in August and September 1998 of the murder of Samir Aweda Hakim and Karam Tamer Arsal in the largely Coptic village of Al-Kush in Sohag governorate. By October approximately 300 of 1,000 residents involved in the incident had been reinterviewed. It remains unclear whether religion was a factor in the actions of the police officers. Some human rights groups outside Egypt believe that religion was a factor in the Al-Kush murder investigation, but most human rights and Christian activists in Egypt do not. Police abuse of detainees is a widespread practice that occurs regardless of a detainee's religious beliefs (see Section 1.c.).

On June 5, a criminal court in Sohag city convicted Shayboub William Arsal of the murder of Hakim and Arsal. The court sentenced Shayboub to 15 years in prison at hard labor. An appeal was pending at year's end. The Christian community of Al-Kush believes that Shayboub, a Christian resident of Al-Kush, was accused and convicted of the crime because of his religion. The public prosecution in Sohag has taken no action on charges of witness tampering in Shayboub's trial that were raised in 1998 against Bishop Wisa and Arch-Priest Antonious.

On July 16, the Dar Al-Salaam court sentenced a Christian, Suryal Gayed Ishak, to 3 years' hard labor for "insulting Islam" during a public dispute. Ishak's attorney appealed the conviction, claiming that Ishak was accused falsely of instigating the new year's violence in Al-Kush (see Section 5). The appeal was scheduled to be heard in January 2001.

Some Christians allege that the Government is lax in protecting Christian lives and property against extremists (see Section 5).

In September the Maadi Community Church, an independent interdenominational Protestant church, obtained recognition from the Government, which allows the Church to buy property and hold services.

In 1960 President Gamal Abdel Nasser issued a decree (Law 263 for 1960) banning Baha'i institutions and community activities. All Baha'i community properties, including Baha'i centers, libraries, and cemeteries, were confiscated. This ban has not been rescinded.

*d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation.*—Citizens and foreigners are free to travel within the country except in certain military areas. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed. Unmarried women under the age of 21 must have permission from their fathers to obtain passports and travel; married women require the same permission from their husbands. Citizens who leave the country have the right to return.

The Constitution provides for the grant of asylum and/or refugee status in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. There were no reports of the forced return of persons to a country where they feared persecution. Egypt grants first asylum for humanitarian reasons or in the event of internal turmoil in neighboring countries. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR). Asylum seekers generally are screened by UNHCR representatives, who issue a refugee identification card if the Ministries of Interior and Foreign Affairs approve. While recognized refugees are permitted to reside in Egypt legally, they may not acquire citizenship except in rare cases. During the year, approximately 6,400 recognized refugees resided in the country, including more than 2,500 Somalis and 2,400 Sudanese. Although there is no pattern of abuse of refugees, during random security sweeps, the Government temporarily detained some refugees who were not carrying proper identification. Following intervention by the UNHCR, the refugees were released.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The ruling National Democratic Party (NDP) dominates the 454-seat People's Assembly, the Shura Council, local governments, the mass media, labor, and the large public sector, and controls the licensing of new political parties, newspapers, and private organizations to such an extent that, as a practical matter, citizens do not have a meaningful ability to change their government.

In September 1999 President Hosni Mubarak was elected unopposed to a fourth six-year term in a national referendum. According to official results he received 94 percent of the vote. The referendum followed the constitutionally mandated nomination by the People's Assembly. Under the Constitution, the electorate is not presented with a choice among competing presidential candidates.

During the year, Egypt held elections for the People's Assembly. Due to court-ordered supervision by the judiciary of the voting and counting, the process was significantly cleaner and more transparent than previous elections; however, there were a number of problems. The elections were held in stages between October 18 and November 15 in order to allow for supervision by a member of the judiciary at each polling place. Out of a total of 444 elected seats, the ruling NDP won 172 seats, independent candidates won 255 seats, and opposition parties won 17 seats. Elections for two seats in Alexandria still had not been held by year's end due to a court-imposed delay because of procedural irregularities. Many of the independents elected were former members of the NDP who rejoined the party after being elected, thus leaving the People's Assembly actual balance at 388 NDP members, 37 independents (17 of them affiliated with the outlawed Muslim Brotherhood), and 17 opposition party members. Seven of those elected were women and three were Christians. President Mubarak also appointed 10 members to the Assembly, of whom 4 were women and 4 Christians.

Despite the overall improvement in the electoral process, there still were problems affecting the elections' fairness, particularly in the period leading up to elections and outside some polling stations on election days. During the months preceding the elections, the Government arrested thousands of members of the Muslim Brotherhood on charges of belonging to an illegal organization. Most observers believe that the Government was seeking to undermine the Muslim Brotherhood's participation in the People's Assembly and professional syndicate elections through intimidation. In addition previous convictions on such charges legally precluded many potential candidates from running.

Violence among supporters of various candidates marred the elections at some polling places and resulted in the deaths of 9 persons. At a few locations, the security presence was so heavy as to inhibit voters' access to the polls. There were also reports of voter harassment by security forces in jurisdictions in which the Muslim Brotherhood was expected to do well. The EOHR conducted a small-scale monitoring effort, but there was no systematic, large-scale independent monitoring of the elections.

The People's Assembly debates Government proposals, and members exercise their authority to call cabinet ministers to explain policy. The executive initiates almost all legislation. Nevertheless, the Assembly maintains the authority to challenge or restrain the executive in the areas of economic and social policy, although it may not modify the budget except with the Government's approval. The Assembly exercises limited influence in the areas of security and foreign policy, and retains little oversight of the Interior Ministry's use of Emergency Law powers. Many executive branch initiatives and policies are carried out by regulation through ministerial decree without legislative oversight. The military budget is prepared by the executive and not debated publicly. Roll-call votes in the Assembly are rare. Votes



generally are reported in aggregate terms of yeas and nays, and thus constituents have no independent method of checking a member's voting record.

The Shura Council, the upper chamber of Parliament, has 264 members. Two-thirds of the members are elected popularly and the President appoints one-third. One half of the Shura seats are up for reelection or reappointment every 3 years. In 1998 the NDP won all 88 seats up for election. One Coptic Christian, from Alexandria, won a seat. The President made 47 appointments (including an additional three over the 44 open seats to replace deceased members). Those appointed included nine women, eight Coptic Christians, and two members of opposition parties.

There are 13 recognized opposition parties. The law empowers the Government to bring felony charges against those who form a party without a license. New parties must be approved by the Political Parties Committee, a semiofficial body that includes a substantial majority of members from the ruling NDP and some members from among the independent and opposition parties. Decisions of the Parties Committee may be appealed to the civil courts. If a court overturns a denial, the party is not registered automatically. Both the Committee and the People's Assembly sometimes ignore court decisions. During the year the Committee approved one party (the Nasserist "National Accord" party) and rejected the applications of two others. These rejected parties filed an appeal of the Committee's decision. Six other appeals were pending before the Administrative Court at year's end.

The Political Parties Committee also may withdraw recognition from existing political parties. On May 20, the Committee withdrew recognition from the Socialist Labor Party and suspended publication of the party newspaper *Al-Shaab*. The Committee justified its decision by citing the emergence of several splinter factions within the party. Members of the Socialist Labor Party charged that the emergence of such factions was a Government-backed conspiracy to punish the party and newspaper for having instigated student demonstrations that turned violent at Al-Azhar University in early May (see Section 2.a.).

The Muslim Brotherhood remains an illegal organization and may not be recog-

officials, and to receive funding from foreign human rights organizations. However, many local and international human rights activists have concluded that government restrictions on NGO activities, including limits on organizations' ability to accept funding, have inhibited significantly reporting on human rights abuses.

In May the Public Prosecutor dropped the Government's case against EOHR secretary-general Hafez Abu Se'da. Abu Se'da and EOHR attorney Mustafa Zidane had been charged in December 1998 with dissemination of false information or inflammatory propaganda that harms public security or public interests and with accept-

of two attorneys, Fatma Lashin and Amany Talaat, who are challenging the Government's refusal to appoint them as Public Prosecutors. (To become a judge, one must first serve as a Public Prosecutor.)

Laws affecting marriage and personal status generally correspond to an individual's religion. In January the Parliament passed a new Personal Status Law that made it easier for a Muslim woman to obtain a divorce without her husband's consent, provided that she is willing to forego alimony and the return of her dowry. (The Coptic Orthodox Church does not permit divorce.) However, an earlier provision of the draft law that would have made it easier for a woman to travel without her husband's consent, was rejected.

Under Islamic law, non-Muslim males must convert to Islam to marry Muslim women, but non-Muslim women need not convert to marry Muslim men. Muslim female heirs receive half the amount of a male heir's inheritance, while Christian widows of Muslims have no inheritance rights. A sole female heir receives half her parents' estate; the balance goes to designated male relatives. A sole male heir inherits all his parents' property. Male Muslim heirs face strong social pressure to provide for all family members who require assistance; however, this assistance is not always provided.

Women have employment opportunities in government, medicine, law, academia, the arts, and business. Labor laws provide for equal rates of pay for equal work for men and women in the public sector. According to Government figures, women constitute 17 percent of private business owners and occupy 25 percent of the managerial positions in the four major national banks. Social pressure against women pursuing a career is strong, and women's rights advocates say that Islamist influence inhibits further gains. Women's rights advocates also point to other discriminatory traditional or cultural attitudes and practices, such as female genital mutilation and the traditional male relative's role in enforcing chastity and chaste sexual conduct.

A number of active women's rights groups work in diverse areas, including reforming family law, educating women on their legal rights, promoting literacy, and combating FGM.

*Children.*—The Government remains committed to the protection of children's welfare and attempts to do so within the limits of its budgetary resources. Many of the resources for children's welfare are provided by international donors, especially in the field of child immunization. Child labor is widespread, despite the Government's commitment to eradicate it (see Section 6.d.). UNICEF has reported on the practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the home of wealthy citizens (see Sections 6.c.).

The Government provides public education, which is compulsory for the first 9 academic years (typically until the age of 15). The Government treats boys and girls equally at all levels of education.

The Government enacted a Child Law in 1996. The law provides for privileges, protection, and care for children in general. Six of the law's 144 articles set rules protective of working children (see Section 6.d.). Other provisions include: A requirement that employers set up or contract with a child care center if they employ more than 100 women; the right of rehabilitation for disabled children; a prohibition on sentencing defendants between the ages of 16 and 18 to capital punishment, hard labor for life, or temporary hard labor; and a prohibition on placing defendants under the age of 15 in preventive custody (although the prosecution may order that they be lodged in an "observation house" and be summoned upon request).

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is common despite the Government's commitment to eradicating the practice and NGO efforts to combat it. Traditional and family pressures remain strong; a study conducted during the year estimates the percentage of women who have ever been married who have undergone FGM at 97 percent. The survey showed that attitudes may be changing slowly; over a 5-year period, the incidence of FGM among the daughters (from ages 11 to 19) of women surveyed fell from 83 to 78 percent. FGM generally is performed on girls between the ages of 7 and 12, with equal prevalence among Muslims and Christians.

In 1997 the Court of Cassation upheld the legality of a 1996 decree banning FGM that was issued by the Minister of Health and Population Planning. In addition to attempting to enforce the decree, the Government supports a range of efforts to educate the public. A discussion of FGM and its dangers has been added to the curriculum of the school system. The Government broadcasts television programs criticizing the practice. Government ministers speak out against the practice, and senior religious leaders also support efforts to stop it. The Sheikh of Al-Azhar, the most senior Islamic figure in the country, and the leader of the Coptic Orthodox community, Pope Shenouda, have stated repeatedly that FGM is not required by religious

doctrine. However, illiteracy impedes some women from distinguishing between the deep-rooted tradition of FGM and religious practices. Moreover, many citizens believe that FGM is an important part of maintaining female chastity, which is a part of religious tradition, and the practice is supported by some Muslim religious authorities and Islamist political activists. A number of NGO's actively work to educate the public about the health hazards of the practice.

*People with Disabilities.*—There are no laws specifically prohibiting discrimination against the disabled, but the Government makes serious efforts to address their rights. It works closely with U.N. agencies and other international aid donors to design job-training programs for the disabled. The Government also seeks to increase the public's awareness of the capabilities of the disabled in television programming, the print media, and in educational material in public schools. There are approximately 5.7 million disabled persons, of whom 1.5 million are disabled severely.

By law, all businesses must designate 5 percent of their jobs for the disabled, who are exempt from normal literacy requirements. Although there is no legislation mandating access to public accommodations and transportation, the disabled may ride Government-owned mass transit buses free of charge, are given priority in obtaining telephones, and receive reductions on customs duties for private vehicles. A number of NGO's are active in efforts to train and assist the disabled.

*Religious Minorities.*—The Constitution provides for equal public rights and duties without discrimination due to religion or creed. For the most part, the Government upholds these constitutional protections. However, discrimination against Christians exists. There are no Christians serving as governors, university presidents, and deans. There are few Christians in the upper ranks of the security services and armed forces. Although there was improvement in a few areas such as coverage of Christian subjects in the mass media, discriminatory government practices include: Suspected statistical underrepresentation of the size of the Christian population; bias against Christianity and Coptic history in the educational curricula; failure to admit Christians into public university training programs for Arabic language teachers (because the curriculum involves study of the Koran); discrimination against Christians in the public sector; and discrimination against Christians in staff appointments to public universities.

The approximately 6 million Coptic Christians have been the objects of occasional violent assaults by the Islamic Group and other terrorists. Some Christians have alleged that the Government is lax in protecting Christian lives and property (see Section 2.c.). However, there were no reports of terrorist attacks against Christians during the year. In incidents unrelated to terrorism, 1 Christian was killed and 10 were wounded in four assaults linked to Muslim extremists. Madgy Ayyad Mas'oud was killed on July 26 in a village in Giza by unidentified gunmen, reportedly because he built a church (with official approval) to which extremists objected. Two men were arrested on July 31 and charged with premeditated murder in connection with the case; the trial had not begun by year's end. On December 11, Father Hezkiyal Ghebriyal, a 75-year-old Coptic Orthodox priest, was stabbed and seriously wounded in the village of Bardis, near Sohag. Police arrested the suspected attacker, who remained in prison at year's end, pending an ongoing investigation. Several other Christians were wounded in sectarian disputes in other provinces.

On April 15, the Tanta Criminal Court sentenced to 3 years in prison the assailant who stabbed a Christian priest in Mahalla in August 1999. On June 22, a State Security Emergency court sentenced to 5 years' imprisonment with hard labor four members of a terrorist group from the upper (southern) Egyptian city of Dairout who were accused of murder and attempted murder of policemen and Christians in the early 1990's. As of the end of the year, the Court of Cassation had not yet set a date to hear an appeal by the Public Prosecutor seeking a heavier sentence in the case of Ahmad and Ibrahim Nasir, who were sentenced to 7 years in prison for the September 1999 murder of a monk in Assiut.

A trade dispute between a Christian clothing merchant and a Muslim customer on December 31, 1999, in the village of Al-Kush in Sohag governorate, escalated into violent exchanges between Muslims and Christians in the area, resulting in the deaths of 21 Christians and 1 Muslim on January 2, 2000. The violence also resulted in the injury of 39 persons in Al-Kush and 5 persons in the neighboring municipality of Dar Al-Salaam. Approximately 200 businesses and homes in the area were damaged. Following the incident, President Mubarak sent the Minister of Local Administration to Al-Kush as his emissary. The Minister of Housing and the Public Prosecutor also visited Al-Kush to investigate. The Government subsequently provided \$800 (3000 Egyptian pounds) to each of the families of those who were killed, and \$130 (500 Egyptian pounds) to each person who was injured. The Government relocated and rebuilt 65 kiosks damaged in the riots; the placement of the kiosks had been a subject of longstanding dispute between Christian and Muslim

merchants. The Christian community estimates that Christian residents and merchants lost \$962,000 (3,609,400 Egyptian pounds) worth of merchandise and personal property during the looting. The Ministry of Social Affairs thus far has disbursed \$14,000 (52,900 Egyptian pounds) in compensation. The Coptic Orthodox Church has provided \$175,000 (655,450 Egyptian pounds) in compensation. Several individuals and organizations have provided donations to the Christian community in Al-Kush.

Coptic Orthodox Pope Shenouda stated publicly that negligence on the part of the police and local leaders led to an increase in the number of victims and an escalation of the violence. Although rumors reportedly played a significant role in exacerbating the violence, no incitement charges were brought. The Government did not investigate police conduct; however, the director of State Security for Sohag governorate, Sa'id Abu AlMa'aly, was removed from his position in March.

On March 11, the Public Prosecutor announced the indictment of 135 persons for involvement in the sectarian violence in Al-Kush and Dar Al-Salaam, on charges ranging from unlawful assembly to murder. Charges initially raised against a local priest were dropped. On September 5, the Sohag criminal court handed down the verdicts in the cases of 39 persons charged with crimes (including arson and theft but not murder) committed in Dar AlSalaam. Among 21 persons convicted, 4 were sentenced to 10 years in prison, 4 to 2 years, 12 to 1 year, and 1 to 6 months; the remaining 19 defendants were acquitted. On June 4, the Sohag criminal court began hearing the case of 96 defendants charged with crimes (including murder) committed in Al-Kush. Observers criticized the decision by the trial judge on December 7 to release on personal recognizance for the Ramadan and Christmas holidays 89 defendants (51 Muslims and 38 Christians), who faced charges from inciting violence to murder. The trial was ongoing at year's end.

There were reports of forced conversions of Coptic girls to Islam. Reports of such cases are disputed and often include inflammatory allegations and categorical denials of kidnapping and rape. Observers, including human rights groups, find it extremely difficult to determine whether compulsion was used, as most cases involve a Coptic girl who converts to Islam when she marries a Muslim boy. According to the Government, in such cases the girl must meet with her family, with her priest, and with the head of her church before she is allowed to convert. However, there are credible reports of Government harassment of Christian families that attempt to regain custody of their daughters, and of the failure of the authorities to uphold the law (which states that a marriage of a girl under the age of 16 is prohibited, and between the ages of 16 and 21 is illegal, without the approval and presence of her guardian) in cases of marriage between an underage Christian girl and a Muslim boy.

There is no legal requirement for a Christian girl or woman to convert to Islam in order to marry a Muslim. However, if a Christian woman marries a Muslim man the Coptic Orthodox Church excommunicates her. Ignorance of the law and societal pressure, including the centrality of marriage to a woman's identity, often affect her decision. Family conflict and financial pressure also are cited as factors. In addition conversion is a means of circumventing the legal prohibition on marriage between the ages of 16 and 21 without the approval and presence of a girl's guardian. Most Christian families would object to a daughter's wish to marry a Muslim. If a Christian girl converts to Islam, her family loses guardianship, which transfers to a Muslim custodian, who is likely to grant approval. The law is silent on the matter of the acceptable age of conversion.

Anti-Semitism is found in both the Government press and in the press of the opposition parties. The Government has criticized anti-Semitism and advised journalists and cartoonists to avoid anti-Semitism. There have been no violent anti-Semitic incidents in recent years directed at the tiny Jewish community.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers may join trade unions but are not required to do so. A union local, or workers' committee, may be formed if 50 employees express a desire to organize. Most union members, about 27 per cent of the labor force, are employed by stateowned enterprises. The law stipulates that "high administrative" officials in Government and the public sector may not join unions.

There are 23 trade unions, all required to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. The International Labor Organization's Committee of Experts repeatedly has emphasized that a law that requires all trade unions to belong to a single federation infringes on freedom of association. The Government has shown no sign that it intends to accept the establishment of more than one federation. The ETUF leadership asserts that it actively promotes worker interests and that there is no need for another federation.

ETUF officials have close relations with the NDP, and some are members of the People's Assembly or the Shura Council. They speak vigorously on behalf of worker concerns, but public confrontations between the ETUF and the Government are rare. Disputes more often are resolved by consensus in private.

The labor laws do not provide adequately for the rights to strike and to engage in collective bargaining. Strikers may face prison sentences of up to 2 years. Although the right to strike is not provided, strikes occur. The Government considers strikes a form of public disturbance and therefore illegal. According to a press report in March, the Minister of Military Production referred five striking workers from a Helwan arms factory to military prosecution.

There were 17 strikes during the year. Strikes mainly were over issues of wage cuts, dismissals, and anticipated privatization. Most of the strikes took place in Alexandria, Cairo, and the Delta (northern Egypt), the country's industrial centers. Most of the strikes occurred in public sector companies and lasted for 1 day. Most strikes involved hundreds of workers, and in one instance more than a thousand workers were involved. Bonuses and incentives tied to the previous year's production typically are disbursed in January, and failure to disburse the bonuses often leads to a strike. ETUF or government officials successfully mediated most of the strikes.

Some unions within the ETUF are affiliated with international trade union organizations. Others are in the process of becoming affiliated.

*b. The Right to Organize and Bargain Collectively.*—Under the law, unions may negotiate work contracts with public sector enterprises if the latter agree to such negotiations, but unions otherwise lack collective bargaining power in the state sector. The International Labor Organization (ILO) for years has claimed that the Labor Code undermines the principle of voluntary bargaining by providing that any clause of a collective agreement that is liable to impair the economic interest of the country is null and void. Under current circumstances, collective bargaining does not exist in any meaningful sense because the Government sets wages, benefits, and job classifications by law.

Firms in the private sector generally do not adhere to such Government-mandated standards. Although they are required to observe some Government practices, such as the minimum wage, social security insurance, and official holidays, firms often do not adhere to Government practice in nonbinding matters, including award of the annual Labor Day bonus. There are no legal obstacles to establishing private sector unions, although such unions are not common.

Labor law and practice are the same in Egypt's six export processing zones (EPZ's) as in the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor; however, the Criminal Code authorizes sentences of hard labor for some crimes. Although the law does not prohibit specifically forced and bonded labor by children, such practices are not known to occur (see Section 6.d.). Domestic and foreign workers generally are not subject to coerced or bonded labor, although UNICEF has reported on the practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the home of wealthy citizens (see Sections 6.d.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Under the 1996 Child Law (see Section 5), the minimum age for employment is 14 in non-agricultural work. The Labor Law of 1996 and associated ministerial decrees greatly limit the type and conditions of work that children below the age of 18 may perform legally. Provincial governors, with the approval of the Minister of Education, may authorize seasonal work for children between the ages of 12 and 14, provided that duties are not hazardous and do not interfere with schooling. Preemployment training for children under the age of 12 is prohibited. It is prohibited for children to work for more than 6 hours a day. One or more breaks totaling at least 1 hour must be included. Children may not work overtime, during their weekly day off, between 8 p.m. and 7 a.m., or for more than 4 hours continuously. Education is compulsory, free, and universal for the first 9 academic years (typically until the age of 15).

The Government takes seriously the problem of child labor, and took steps to improve the situation. For example, Prime Minister Atef Ebeid and First Lady Suzanne Mubarak are involved personally with the problems of working children through their leadership positions on the National Council for Children and Motherhood. The Government worked closely during the year with international organizations—in particular UNICEF and the International Labor Organization (ILO)—as well as international and domestic NGO's and labor unions to implement programs designed to address child labor and its root causes. However, in general the Government does not devote adequate resources to implement its child labor policies. Statistical information on the number of working children is difficult to obtain and

often out of date. A comprehensive study prepared by the Government's statistical agency in 1988 indicated that 1,309,000 children between the ages of 6 and 14 were employed. In November 1999, the Minister of Social Affairs reportedly stated that 1 million children participate in agricultural labor, and NGO's estimate that up to 1.5 million children work. Government studies also indicate that the concentration of working children is higher in rural than urban areas. Nearly 78 percent of working children are in the agricultural sector. However, children also work as domestic servants, as apprentices in auto repair and craft shops, in heavier industries such as construction, in brickmaking and textiles, and as workers in tanneries and carpet-making factories. While local trade unions report that the Ministry of Labor adequately enforces the labor laws in state-owned enterprises, enforcement in the private sector, especially in the informal sector, is lax. Many of these children are abused, overworked, and exposed to potentially hazardous conditions by their employers, and the restrictions in the Child Law have not improved conditions due to lax enforcement on the part of the Government. There were only two reported cases during the year in which the Government enforced child labor laws. In September Ministry of Interior officials raided 16 electrical workshops in various Cairo neighborhoods and found 30 children between the ages of 6 and 12 working there. In another case, authorities found 4 children working in a Cairo restaurant that serves alcoholic beverages. Both cases were referred to the Prosecutor General's office. According to Article 74 of the Child Law of 1996, establishment owners are subject to fines of \$27 to \$133 (100 to 500 Egyptian pounds) for each illegal child worker; in the case of repeat offenders the fines are doubled. Investigations into the cases were ongoing at year's end.

Although the law does not prohibit specifically forced and bonded labor by children, UNICEF has reported on the practice of poor rural families making arrangements for a daughter to be employed as a domestic servant in the home of wealthy citizens (see Sections 6.c.).

*e. Acceptable Conditions of Work.*—For Government and public sector employees, the minimum wage is approximately \$34 (about 128 Egyptian pounds) a month for a 6day, 36-hour workweek, as compared to the same wages for a 42hour workweek in 1999. The minimum wage, which is set by the Government and applied nationwide, is enforced effectively by the Ministry of Administrative Development. The minimum wage does not provide for a decent standard of living for a worker and family; however, base pay commonly is supplemented by a complex system of fringe benefits and bonuses that may double or triple a worker's take-home pay. The minimum wage also is binding legally on the private sector, and larger private companies generally observe the requirement and pay bonuses as well. Smaller firms do not always pay the minimum wage or bonuses.

The Ministry of Labor sets worker health and safety standards, which also apply in the export processing zones; however, enforcement and inspections are uneven.

The law prohibits employers from maintaining hazardous working conditions, and workers have the right to remove themselves from hazardous conditions without risking loss of employment.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons; however, the law prohibits prostitution and sex tourism. There were no reports that persons were trafficked to, from, within, or through the country.

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## IRAN

The Islamic Republic of Iran was established in 1979 after a populist revolution toppled the Pahlavi monarchy. The Constitution ratified after the revolution by popular referendum established a theocratic republic and declared as its purpose the establishment of institutions and a society based on Islamic principles and norms. The Government is dominated by Shi'a Muslim clergy. The Head of State, Ayatollah Ali Khamenei, is the Supreme Leader of the Islamic Revolution and has direct control of the armed forces, internal security forces, and the judiciary. Mohammad Khatami was elected to a 4-year term as President in a popular vote in February 1997. A popularly elected 290-seat unicameral Islamic Consultative Assembly, or Majles, develops and passes legislation. All legislation passed by the Majles is reviewed for adherence to Islamic and constitutional principles by a Council of Guardians, which consists of six clerical members, who are appointed by the Supreme Leader, and six lay jurists, who are appointed by the head of the judiciary and approved by the Majles. The Constitution provides the Council of Guardians with the power to screen and disqualify candidates for elective offices based on an ill-defined

set of requirements, including the candidates' ideological beliefs. The judiciary is subject to government and religious influence.

Several agencies share responsibility for internal security, including the Ministry of Intelligence and Security, the Ministry of Interior, and the Revolutionary Guards, a military force that was established after the revolution. Paramilitary volunteer forces known as Basijis, and gangs of thugs, known as the Ansar-e Hezbollah (Helpers of the Party of God), who often are aligned with specific members of the leadership, act as vigilantes, and are released into the streets to intimidate and threaten physically demonstrators, journalists, and individuals suspected of counter-revolutionary activities. Both regular and paramilitary security forces committed numerous, serious human rights abuses.

Iran has a mixed economy that is heavily dependent on export earnings from the country's extensive petroleum reserves. The Constitution mandates that all large-scale industry, including petroleum, minerals, banking, foreign exchange, insurance, power generation, communications, aviation, and road and rail transport, be owned publicly and administered by the state. Large charitable foundations called bonyads, most with strong connections to the Government, control the extensive properties and businesses expropriated from the Pahlavi family and individuals associated with the monarchy. The bonyads exercise considerable influence in the economy, but do not account publicly for revenue and pay no taxes. Basic foodstuffs and energy costs are subsidized heavily by the Government. Oil exports account for nearly 80 percent of foreign exchange earnings. Private property is respected. Although economic performance improved somewhat during the year due to the worldwide increase in oil prices, performance is affected adversely by government mismanagement and corruption. Unemployment was estimated to be at least 25 percent, and inflation was an estimated 25 percent.

The Government's human rights record remained poor; although efforts within society to make the Government accountable for its human rights policies continued, serious problems remain. The Government restricts citizens' right to change their government. Systematic abuses include extrajudicial killings and summary executions; disappearances; widespread use of torture and other degrading treatment, reportedly including rape; harsh prison conditions; arbitrary arrest and detention; and prolonged and incommunicado detention. Judicial proceedings were instituted against some government officials for misconduct. However, perpetrators often committed such abuses with impunity. A group of 20 police officials was brought to trial in March for their actions in an attack on a Tehran University student dormitory in July 1999. All but two were cleared, including the senior official involved. In December 18 former officials of the Intelligence Ministry were tried before a military court for the killings of four dissidents in 1998. The proceedings were closed and the results of the trial were not made public by year's end.

The judiciary suffers from government and religious influence, and does not ensure that citizens receive due process or fair trials. The Government uses the judiciary to stifle dissent and obstruct progress on human rights. The Government infringes on citizens' privacy rights, and restricts freedom of speech, press, assembly, and association. The Government closed nearly all reform-oriented publications during the year and brought charges against prominent political figures and members of the clergy for expressing ideas viewed as contrary to the ruling orthodoxy. However, the Ministry of Culture and Islamic Guidance continued to issue licenses for the establishment of newspapers and magazines, some of which challenged government policies. The Government restricts freedom of religion. Religious minorities, particularly Baha'is, continued to suffer repression by conservative elements of the judiciary and security establishment. In July 10 Iranian Jews were tried and convicted on charges of illegal contacts with Israel, and sentenced to between 2 and 13 years in prison. Three others were acquitted. The trial procedures were unfair, and violated numerous internationally recognized standards of due process. The selection of candidates for elections effectively is controlled by the Government. Intense political struggle continued during the year between a broad popular movement that favored greater liberalization in government policies, particularly in the area of human rights, and certain hard-line elements in the government and society, which view such reforms as a threat to the survival of the Islamic republic. In many cases, this struggle is played out within the Government itself, with reformists and hardliners squaring off in divisive internal debates. Reformers and moderates won a landslide victory in the February Majles election, and now constitute a majority of that body; however, the Council of Guardians and other elements within the Government blocked much of the early reform legislation passed by the Majles.

The Government restricts the work of human rights groups and continues to deny entry to the country to the U.N. Special Representative for Human Rights in Iran. Violence against women occurs, and women face legal and societal discrimination.



The Government discriminates against religious and ethnic minorities and restricts important workers' rights, including freedom of association and the right to organize and bargain collectively. Child labor persists. Vigilante groups, with strong ties to certain members of the Government, enforce their interpretation of appropriate social behavior through intimidation and violence.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—The Government has been responsible for numerous extrajudicial killings. Human rights groups reported that security forces killed at least 20 persons while violently suppressing demonstrations by Kurds that occurred in the wake of the February 1999 arrest of Kurdish Workers Party (PKK) leader Abdullah Ocalan in Turkey (see Sections 1.c., 2.b., and 5). Human Rights Watch reported at least four student deaths in July 1999, when government-sanctioned agitators attacked a student dormitory during protests in Tehran (see Sections 1.c. and 2.b.).

Citizens continued to be tried and sentenced to death in the absence of sufficient procedural safeguards. In 1992 the domestic press stopped reporting most executions; however, executions continue in substantial numbers, according to U.N. and other reporting. The U.N. Special Representative cited an estimated 130 executions from January through July, most of which were reported in the media. The Government has not cooperated in providing the Special Representative with a precise number of executions carried out in Iran. Exiles and human rights monitors allege that many of those executed for criminal offenses, such as narcotics trafficking, actually are political dissidents. Supporters of outlawed political organizations, such as the Mujahedin-e Khalq organization, are believed to make up a large number of those executed each year. A November 1995 law criminalized dissent and applied the death penalty to offenses such as "attempts against the security of the State, outrage against high-ranking Iranian officials, and insults against the memory of Imam Khomeini and against the Supreme Leader of the Islamic Republic." U.N. representatives, including the U.N. Special Representative on Human Rights in Iran, and independent human rights organizations, continue to note the absence of procedural safeguards in criminal trials. Harsh punishments are carried out, including stoning and flogging (see Section 1.c.). However, cases of stoning apparently are declining, and the U.N. Special Representative reports no cases over the past year in which such a sentence was carried out. The law also allows for the relatives of murder victims to take part in the execution of the killer.

The Government's investigation into the murder of several prominent Iranian dissidents and intellectuals in late 1998 continued throughout the year. The case involved the murders, over a 2-month period from October to December 1998, of prominent political activists Darioush and Parvaneh Forouhar and writers Mohammad Mokhtari and Mohammad Pouandeh. Political activist Pirouz Davani disappeared in the same time period and never has been found (see Section 1.b.). In February after several senior figures of the leadership blamed the disappearances and murders on "foreign hands," it was revealed that active-duty agents of the Ministry of Intelligence had carried out the killings. Minister of Intelligence Qorban Ali Dori-Najafabadi and several of his senior deputies resigned their posts following these revelations.

Supervision for the case was placed in the hands of the Military Prosecutor's office. In June 1999, the Prosecutor's Office released an initial report on the investigation, identifying a cell within the Ministry of Intelligence led by four "main agents" as responsible for the murders. The leader among the agents reportedly was a former Deputy Minister of Intelligence, Saeed Emami, who, the Government stated, had committed suicide in prison by drinking a toxic hair removal solution several days prior to release of the Government's June report. The report also indicated that 23 persons had been arrested in connection with the murders and that a further 33 were summoned for interrogation. In the early part of the year, the Government announced that 18 men would stand trial in connection with the killings. The trial began in late December in a military court. The proceedings were closed. However, news reports indicated that 15 defendants pled guilty during the opening stages of the trial. The identity of the defendants is still unknown, but former Minister of Intelligence Dori-Najafabadi has not been charged. Results of the trial had not been announced by year's end (see Section 1.e.).

Frustration over the slow pace of the murder investigation and doubt about the government's willingness to follow the case to its conclusion were frequent topics of criticism of the Government throughout the year, particularly by those advocating greater adherence to the rule of law. Reform-oriented journalists and prominent cul-

tural figures declared publicly their demands for a full accounting in the case and speculated that responsibility for ordering the murders lay at the highest level of the Government. Several citizens, including prominent investigative journalist Akbar Ganji, were arrested in connection with statements they have made about the case (see Sections 1.c. and 1.e.). In December, just before Ganji's case went to trial, the Military Court arrested a lawyer for the family of one of the victims for violating a public ban on comments regarding the case.

One organization in 1999 reported eight deaths of evangelical Christians at the hands of the authorities in the past 10 years (see Section 2.c.). In 1999 an investigative reporter alleged that officials within the Intelligence Ministry were responsible for the murders of three prominent evangelical ministers in 1994, a crime for which three female members of the Mujahedin-e Khalq organization had been convicted (see Section 2.c.).

Numerous Sunni clerics have been murdered in recent years, some allegedly by government agents (see Section 2.c.).

The Government announced in September 1998 that it would take no action to threaten the life of British author Salman Rushdie, or anyone associated with his work, "The Satanic Verses," despite the issuance of a fatwa against Rushdie's life in 1989. The announcement came during discussions with the United Kingdom regarding the restoration of full diplomatic relations. Several revolutionary foundations and a number of Majles deputies within Iran repudiated the Government's pledge and emphasized the "irrevocability" of the fatwa, or religious ruling, by Ayatollah Khomeini in 1989, calling for Rushdie's murder. The 15 Khordad Foundation raised the bounty it earlier had established for the murder of Rushdie.

The Istanbul Court of Appeal upheld in 1998 the conviction of an Iranian national for complicity in the 1996 murders of Zahra Rajabi and Ali Moradi, both of whom were associated with the National Council of Resistance (NCR), an exile group that has claimed responsibility for several terrorist attacks within Iran. The U.N. Special Representative reported in 1998 that Italian security authorities continued their investigation into the 1993 killing in Rome of Mohammad Hossein Naghdi, the NCR's representative in Italy.

*b. Disappearance.*—No reliable information is available on the number of disappearances. In the period immediately following arrest, many detainees are held incommunicado and denied access to lawyers and family members.

Pirouz Davani, a political activist who disappeared in late 1998 along with several other prominent intellectuals and dissidents who later were found murdered, remains unaccounted for and is believed to have been killed for his political beliefs and activism (see Section 1.a.).

A Christian group reported that between 15 and 23 Iranian Christians disappeared between November 1997 and November 1998 (see Section 2.c.). Those who disappeared reportedly were Muslim converts to Christianity whose baptisms had been discovered by the authorities. The group that reported the figure believes that most or all of those who disappeared were killed.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution forbids the use of torture; however, there are numerous, credible reports that security forces and prison personnel continue to torture detainees and prisoners. Some prison facilities, including Tehran's Evin prison, are notorious for the cruel and prolonged acts of torture inflicted upon political opponents of the Government. Common methods include suspension for long periods in contorted positions, burning with cigarettes, sleep deprivation, and, most frequently, severe and repeated beatings with cables or other instruments on the back and on the soles of the feet. Prisoners also have reported beatings about the ears, inducing partial or complete deafness, and punching in the eyes, leading to partial or complete blindness. Stoning and flogging are prescribed expressly by the Islamic Penal Code as appropriate punishment for adultery (see Section 1.a.).

In November investigative journalist Akbar Ganji went on trial for statements he allegedly made during an April conference in Berlin on Iranian politics (see Sections 2.a. and 1.e.). He was arrested in April upon his return to Iran and held over the next 6 months for long periods in solitary confinement. Ganji told the court that he was beaten and tortured in prison. Ganji previously had written articles implicating former President Rafsanjani in a series of murders of dissidents and intellectuals apparently carried out by security forces.

In March a gunman shot and severely wounded newspaper editor Saeed Hajarian, a senior political advisor to President Khatami. The methods used raised widespread suspicions that the security forces were involved in the attack. The gunman later was arrested and sentenced along with four other defendants to 15-year prison sentences.

On July 8, 1999, the Government and individuals acting with the consent of the authorities, used excessive force in attacking a dormitory during student protests in Tehran, including reportedly throwing students from windows. Approximately 300 students were injured in the incident. The U.N. Special Representative has noted numerous credible reports that students arrested following the demonstration were tortured in prison (see Sections 1.a., 1.d., and 2.b.).

In May 1999, Brigadier General Gholam-reza Naqdi, a senior Tehran police official, and several associates, who were accused of using torture to coerce confessions during the 1998 trial of former mayor of Tehran Gholam Hossein Kharbaschi, went on trial. It reportedly was the first prosecution of a government official for torture since the 1979 revolution. The charges were based on the accusations of numerous Tehran municipality officials and district mayors that authorities had used torture to coerce admissions of guilt and statements that implicated the former mayor. The trial of Naqdi was conducted in closed session before a military court. Naqdi was cleared of most charges and resumed his duties with the Tehran police force.

In August 1999, President Khatami was quoted in public remarks as criticizing the use of torture. He defended the rights of prisoners as a legitimate concern based on "Islam and human conscience."

Prison conditions are harsh. Some prisoners are held in solitary confinement or denied adequate food or medical care in order to force confessions. Female prisoners reportedly have been raped or otherwise tortured while in detention. Prison guards reportedly intimidate family members of detainees and torture detainees in the presence of family members. The U.N. Special Representative reported receiving numerous reports of prisoner overcrowding and unrest. He cited a reported figure of only 8.2 square feet (2.5 square) of space available for each prisoner.

The Government does not permit visits to imprisoned dissidents by human rights monitors.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention; however, these practices remain common. There is reportedly no legal time limit for incommunicado detention, nor any judicial means to determine the legality of detention. Suspects may be held for questioning in jails or in local Revolutionary Guard offices. Although reliable statistics are not available, international observers believe that between scores and hundreds of citizens are detained for their political beliefs.

The security forces often do not inform family members of a prisoner's welfare and location. Prisoners also may be denied visits by family members and legal counsel. In addition, families of executed prisoners do not always receive notification of the prisoners' deaths. Those who do receive such information reportedly have been forced on occasion to pay the Government to retrieve the body of their relative.

Mohammed Chehrangi, an advocate for the cultural rights of Azeris, was arrested in December 1999. Azeri groups claim that Chehrangi was arrested to prevent his registration as a candidate in the February Majles elections (see Sections 3 and 5).

In February and March 1999, 13 Jews were arrested by security forces in the cities of Isfahan and Shiraz. Among the group were several prominent rabbis, teachers of Hebrew, and their students, one a 16-year-old boy. They were held for 14 months or more without formal charges until their trial began in May. The delay in clarification of charges appeared to violate Article 32 of the Constitution, which states in part that in cases of arrest "charges with the reasons for accusation must, without delay, be communicated and explained to the accused in writing, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of 24 hours so that the preliminaries to the trial can be completed as swiftly as possible." Ten of the 13 eventually were convicted of charges relating to illegal contacts with Israel. Governments around the world criticized the detentions and trial as unfair and in violation of due process (see Sections 1.e. and 2.c.).

As many as 1,500 students were detained in the wake of student protests on July 8, 1999, and subsequent riots. Many of them remained in prison throughout the year (see Sections 1.a., 1.c., and 2.b.).

Numerous publishers, editors and journalists either were detained, jailed, fined, or prohibited from publishing their writings during the year (see Section 2.a.). The Government appeared to follow a policy of intimidation toward members of the media that it considers to pose a threat to the current system of Islamic government.

Adherents of the Baha'i Faith continue to face arbitrary arrest and detention. The Government appears to adhere to a practice of keeping a small number of Baha'is in detention at any given time. According to the U.N. Special Representative and Baha'i groups, at least 10 Baha'is are in prisons, including 2 who were convicted of either apostasy or "actions against God" and sentenced to death. In March 1999, the four remaining detainees from the 1998 raid on the Baha'i Institute of Higher

Learning were convicted and sentenced to prison terms ranging from 3 to 10 years (see Section 2.c.).

The Government enforced house arrest and other measures to restrict the movements and ability to communicate of several senior religious leaders whose views on political and governance issues are at variance with the ruling orthodoxy. Several of these figures dispute the legitimacy and position of the current Supreme Leader, Ayatollah Ali Khamenei. The clerics include Ayatollah Seyyed Hassan Tabataei-Qomi, who has been under house arrest in Mashad for more than 15 years; Ayatollah Mohammad Shirazi, who remains under house arrest in Qom; and Ayatollah Ya'asub al-Din Rastgari, who has been under house arrest in Qom since late 1996. Ayatollah Hossein Ali Montazeri, the former designated successor of the late Spiritual Leader, Ayatollah Khomeini, and an outspoken critic of the current Supreme Leader, remains under house arrest and heightened police surveillance (see Section 2.a.). The followers of these and other dissident clerics, many of them junior clerics and students, reportedly have been detained in recent years and tortured by government authorities.

Throughout the year, Iran and Iraq exchanged prisoners of war (POW's) and the remains of deceased fighters from the 1980-88 Iran-Iraq war, adding to the large number of Iraqi POW's returned by Iran in 1998. However, a final settlement of this issue between the two governments was not achieved, despite such predictions by Iranian government officials in late 1998. A June 1998 press report described joint Iran-Iraq search operations to identify the remains of those missing in action.

The Government does not use forced exile, but many dissidents and ethnic and religious minorities leave the country due to a perception of threat from the Government.

*e. Denial of Fair Public Trial.*—The court system is not independent and is subject to government and religious influence. It serves as the principal vehicle of the State to restrict freedom and reform in the society.

There are several different court systems. The two most active are the traditional courts, which adjudicate civil and criminal offenses, and the Islamic Revolutionary Courts. The latter were established in 1979 to try offenses viewed as potentially threatening to the Islamic Republic, including threats to internal or external security, narcotics crimes, economic crimes (including hoarding and overpricing), and official corruption. A special clerical court examines alleged transgressions within the clerical establishment, and a military court investigates crimes committed in connection with military or security duties by members of the army, police, and the Revolutionary Guards. A press court hears complaints against publishers, editors, and writers in the media. The Supreme Court has limited authority to review cases.

The judicial system has been designed to conform, where possible, to an Islamic canon based on the Koran, Sunna, and other Islamic sources. Article 157 provides that the head of the judiciary shall be a cleric chosen by the Supreme Leader. Ayatollah Mohammad Yazdi resigned as the head of the judiciary in August 1999, and was replaced by Ayatollah Mahmoud Hashemi Shahrud. The head of the Supreme Court and Prosecutor General also must be clerics.

Many aspects of the prerevolutionary judicial system survive in the civil and criminal courts. For example, defendants have the right to a public trial, may choose their own lawyer, and have the right of appeal. Trials are adjudicated by panels of judges. There is no jury system in the civil and criminal courts. If a situation is not addressed by statutes enacted after the 1979 revolution, the Government advises judges to give precedence to their own knowledge and interpretation of Islamic law, rather than rely on statutes enacted during the Pahlavi monarchy.

Trials in the Revolutionary Courts, in which crimes against national security and other principal offenses are heard, are notorious for their disregard of international standards of fairness. Revolutionary Court judges act as both prosecutor and judge in the same case, and judges are chosen in part based on their ideological commitment to the system. Pretrial detention often is prolonged and defendants lack access to attorneys. Indictments often lack clarity and include undefined offenses such as "antirevolutionary behavior," "moral corruption," and "siding with global arrogance." Defendants do not have the right to confront their accusers. Secret or summary trials of 5 minutes duration occur. Others are show trials that are intended merely to highlight a coerced public confession. In 1992 the Lawyers Committee for Human Rights concluded that "the chronic abuses associated with the Islamic Revolutionary Courts are so numerous and so entrenched as to be beyond reform." The Government has undertaken no major reform of the Revolutionary Court system since that report.

In October a former member of a vigilante group, Amir Farshad Ibrahim, was sentenced to 2 years' imprisonment for defamation after he stated in a videotape that Ansar-e Hezbollah vigilantes had received payments from senior clerics and

conservative political figures to organize and carry out attacks on their political opponents. Two prominent lawyers active in civil liberties cases, Shirin Ebadi and Mohsen Rahimi, were given suspended sentences and prohibited from practicing law for 5 years for their role in distributing the tape.

In November a Revolutionary Court began the trials of 16 writers, intellectuals, and political figures who took part in an April conference in Berlin on the implications of the February Majles elections (see Section 3). The 16 defendants, who were arrested in Iran after the conference and charged with taking part in antigovernment and anti-Islamic activities, included investigative journalist Akbar Ganji, newspaper editor Mohammed Reza Jalaipour, Member of Parliament Jamileh Kadivar, women's rights activists Mehrangiz Kar and Shahla Lahji, opposition politician Ezzatollah Sahabi, student leader Ali Afshari, and others, including a translator for the German Embassy in Tehran. The trial was ongoing at year's end.

In late December, a military court began the trials of 18 persons in connection with the killings of several prominent dissidents and intellectuals in late 1998. The results of the trial had not been announced by year's end (see Section 1.a.).

The legitimacy of the Special Clerical Court (SCC) system continued to be a subject of wide debate throughout the year. The clerical courts, which were established in 1987 to investigate offenses and crimes committed by clerics, and which are overseen directly by the Supreme Leader, are not provided for in the Constitution, and operate outside the domain of the judiciary. In particular, critics alleged that the clerical courts were used to prosecute certain clerics for expressing controversial ideas and for participating in activities outside the area of religion, including journalism.

During the latter part of the year, a Special Clerical Court began the trial of Hojatolislam Hassan Yousefi Eshkevari, a cleric who participated in the Berlin conference, on charges of apostasy and "corruption on earth," which potentially carry the death penalty. Eshkevari has called for more liberal interpretations of Islamic law in certain areas. In November 1999, former Interior Minister and Vice President Abdollah Nouri was sentenced by a branch of the SCC to a 5-year prison term for allegedly publishing "anti-Islamic articles, insulting government officials, promoting friendly relations with the United States," and providing illegal publicity to dissident cleric Ayatollah Hossein Ali Montazeri in the pages of *Khordad*, a newspaper that was established by Nouri in late 1998 and closed at the time of his arrest. Nouri used the public trial to attack the legitimacy of the SCC (see Section 2.a.).

In April 1999, a branch of the SCC convicted Hojatolislam Mohsen Kadivar, a Shi'a cleric and popular seminary lecturer, to 18 months in prison for "dissemination of lies and confusing public opinion" in a series of broadcast interviews and newspaper articles. Kadivar advocated political reform and greater intellectual freedom and criticized the misuse of religion to maintain power. In an interview published in a newspaper, Kadivar criticized certain government officials for turning criticism against them into alleged crimes against the State. He also observed that such leaders "mistake themselves with Islam, with national interests, or with the interests of the system, and in this way believe that they should be immune from criticism." He also allegedly criticized former Supreme Leader Ayatollah Khomeini and demonstrated support for dissident cleric Ayatollah Montazeri. Kadivar's trial was not open to the public.

In July 1999, the SCC banned the daily newspaper *Salaam* and indicted its publisher, Mohammad Mousavi Khoeniha, on charges of "violating Islamic principles," "endangering national security," and "disturbing public opinion." Khoeniha, a cleric, later was sentenced to a 5-year jail term. The charges involved the publication by *Salaam* of documents related to the unsolved murders of dissident intellectuals in late 1998, which indicated a possible connection to senior officials in the plotting of the murders. The closure of the newspaper led to peaceful protests by students at Tehran University that later grew into widespread rioting after aggressive countermeasures were taken by security forces (see Section 2.b.).

It is difficult for many women to obtain legal redress. A woman's testimony in court is worth only half that of a man's, making it difficult for a woman to prove a case against a male defendant.

The Government frequently charges members of religious minorities with crimes such as "confronting the regime" and apostasy, and conducts trials in these cases in the same manner as is reserved for threats to national security. Ayatollah Mohammad Yazdi, who resigned as head of the judiciary in August, stated in 1996 that Baha'i Faith was an espionage organization. Trials against Baha'is have reflected this view (see Section 2.c.). The trial of 13 Iranian Jews on charges related to espionage for Israel was marked throughout by a lack of due process. The defendants were held for over 1 year without being charged formally or given access to lawyers. The trial was closed, and the defendants were not allowed to choose their own law-

yers. Following the trial, defense lawyers told news reporters that they were threatened by judiciary officials and pressured to admit their clients' guilt (see Sections 1.d. and 2.c.).

In December 1999, authorities rearrested former Deputy Prime Minister and long-time political dissident Abbas Amir-Entezam after an interview with him was published in an Iranian newspaper. Amir-Entezam has spent much of the past 20 years in and out of prison since being arrested on charges of collaboration with the United States following the seizure of the U.S. embassy in Tehran by revolutionary militants in 1979. In his original trial, Amir-Entezam was denied defense counsel and access to the allegedly incriminating evidence that was gathered from the overtaken U.S. Embassy and used against him. Since then he has appealed for a fair and public trial, which has been denied him. He has been a frequent victim of torture in prison; he suffered a ruptured eardrum due to repeated beatings, and kidney failure resulting from denial of access to toilet facilities, and an untreated prostate condition. He reports having been taken on numerous occasions before a firing squad, told to prepare for death, only to be allowed to live. Amir-Entezam remained in prison at year's end (see Section 1.c.).

Independent legal scholar and member of the Islamic clergy Hojatoleslam Sayyid Mohsen Saidzadeh, who was convicted by the SCC in 1998 for his outspoken criticism of the treatment of women under the law, was released from prison in early 1999; however, the Government banned him from performing any clerical duties for 5 years. Human Rights groups outside Iran noted reports that Saidzadeh's 1998 sentence also included a prohibition on publishing. He has ceased authoring a monthly column on legal issues, many focusing on the rights of women, since the time of his detention.

In December Judiciary Chief Mahmoud Hashemi Shahroudi announced an initiative to reform the Iranian judicial system. He said that the country is "still a long way off from having a reformed and developed judicial organization." He also announced that 40 judges, clerks, and "middle-men" had been arrested on corruption charges.

No estimates are available on the number of political prisoners. However, the Government often arrests, convicts, and sentences persons on questionable criminal charges, including drug trafficking, when their actual "offenses" are political.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Constitution states that "reputation, life, property, (and) dwelling(s)" are protected from trespass except as "provided by law;" however, the Government infringes on these rights. Security forces monitor the social activities of citizens, enter homes and offices, monitor telephone conversations, and open mail without court authorization.

Organizations such as the Ansar-e Hezbollah, an organization of hardline vigilantes who seek to enforce their vision of appropriate revolutionary comportment upon the society, harass, beat, and intimidate those who demonstrate publicly for reform or who do not observe dress codes or other modes of correct revolutionary conduct. This includes women whose clothing does not cover the hair and all of the body except the hands and face, or those who wear makeup or nail polish. Ansar-e Hezbollah gangs also have been used to destroy newspaper offices and printing presses, intimidate dissident clerics, and disrupt peaceful gatherings (see Sections 2.a. and 2.b.). Ansar-e Hezbollah cells are organized throughout the country and linked to individual members of the country's leadership.

Vigilante violence includes attacking young persons considered too "un-Islamic" in their dress or activities, invading private homes, abusing unmarried couples, and disrupting concerts or other forms of popular entertainment. Authorities occasionally enter homes to remove television satellite dishes, or to disrupt private gatherings in which unmarried men and women socialize, or where alcohol, mixed dancing, or other forbidden activities are offered or take place. Enforcement appears to be arbitrary, varying widely with the political climate and the individuals involved. Authorities reportedly are vulnerable to bribes in some of these circumstances.

In 1998 security forces conducted a nationwide raid of more than 500 homes and offices owned or occupied by Baha'is suspected of having connections to the Baha'i Institute of Higher Learning (see Section 2.c.). During the raids, instructional materials, office equipment, and other items of personal property were confiscated. The effort apparently was designed to disrupt the operation of the Institute, which serves as the only alternative source of higher education for most Baha'is, who are denied entry to the state-controlled university system.

Prison guards intimidated family members of detainees (see Section 1.c.). Opposition figures living abroad reported harassment of their relatives in the country.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of the press, except when published ideas are “contrary to Islamic principles, or are detrimental to public rights;” however, the Government restricts freedom of speech and of the press in practice. After the election of President Khatami, the independent press, especially newspapers and magazines, played an increasingly important role in providing a forum for an intense debate regarding reform in the society. However, basic legal safeguards for freedom of expression are lacking, and the independent press has been subjected to arbitrary enforcement measures by elements of the Government, notably the judiciary, which see in such debates a threat to their own hold on power.

Newspapers and magazines represent a wide variety of political and social perspectives, some allied with particular figures within the Government. Many subjects of discussion are tolerated, including criticism of certain government policies. However, the 1995 Press Law prohibits the publishing of a broad and ill-defined category of subjects, including material “insulting Islam and its sanctities” or “promoting subjects that might damage the foundation of the Islamic Republic.” Generally prohibited topics include fault-finding comment on the personality and achievements of the late Leader of the Revolution, Ayatollah Khomeini; direct criticism of the current Supreme Leader; assailing the principle of *velayat-e faqih*, or rule by a supreme religious leader; questioning the tenets of certain Islamic legal principles; sensitive or classified material affecting national security; promotion of the views of certain dissident clerics, including Grand Ayatollah Ali Montazeri; and advocating rights or autonomy for ethnic minorities.

Oversight of the press is carried out in accordance with a press law that was enacted in 1995. The law established the Press Supervisory Board, which is composed of the Minister of Islamic Culture and Guidance, a Supreme Court judge, a Member of Parliament, and a university professor who is appointed by the Minister of Islamic Culture and Guidance. The Board is responsible for issuing press licenses and for examining complaints filed against publications or individual journalists, editors, and publishers. In certain cases, the Press Supervisory Board may refer complaints to the courts for further action, including closure. The Press Court hears such complaints. Its hearings are conducted in public and feature the presence of a jury that is composed of clerics, government officials, and editors of government-controlled newspapers. The jury is empowered to recommend to the presiding judge the guilt or innocence of defendants and the severity of any penalty to be imposed, although these recommendations are not binding legally. In at least two cases in 1999 (against the newspapers *Jame-eh Salem* and *Adineh*), recommendations made by Press Court juries for relatively lenient penalties were disregarded by the presiding judge in favor of harsher measures, including closure. Perhaps because the judgments of the Press Courts have not been viewed as sufficiently strict by some government officials, alleged violations of the Press Law increasingly were referred to the Revolutionary and Special Clerical Courts, in which defendants enjoy fewer legal safeguards (see Section 1.e.).

In March the outgoing Parliament passed amendments to the Press Law that gave the Press Court increased procedural and jurisdictional power. The amendments allowed prosecution of individual journalists, in addition to their editors and publishers, for a broad range of ill-defined political offenses. The new Parliament (which was seated in May), introduced a bill in August to reverse the restrictive amendments. However, Supreme Leader Khamenei intervened with a letter to the Speaker demanding that the bill be dropped from consideration. Semiofficial vigilante groups appeared outside the Parliament, creating an atmosphere of intimidation. Despite some strongly worded objections from members, the bill was withdrawn.

Public officials frequently levy complaints against journalists, editors, publishers, and even rival publications. The practice of complaining about the writings of journalists crosses ideological lines. Offending writers are subject to lawsuits and fines. Suspension from journalistic activities and imprisonment are common punishments for guilty verdicts for offenses ranging from “fabrication” to “propaganda against the State” to “insulting the leadership of the Islamic Republic.” Police raid newspaper offices, and Ansar-e Hezbollah mobs attack the offices of liberal publications and bookstores without interference from the police or prosecution by the courts.

The country’s record on freedom of expression worsened during the year. It remained a central issue in the struggle between hardliners and political reformers. The Government continued its policy of issuing licenses for new publications, some of which engaged in open criticism of certain government policies. However, the Government issued such licenses at a greatly reduced rate during the year. Beginning in late April, the Press Court closed virtually all remaining newspapers associ-

ated with the reform-oriented press. Over the course of a few days, the 14 most prominent reform newspapers were ordered closed, without hearings. By year's end, more than 30 independent newspapers and journals were closed. A few mildly proreform newspapers continue to publish; however, these have been restricted as well. "Hamshahri," a daily newspaper published by the Tehran municipality, was ordered to restrict its circulation to the Tehran city limits. Others continue to publish, but only with heavy self-censorship.

Dozens of individual editors and journalists were charged and tried by the Press Court, and several prominent journalists were jailed for long periods without trial. Others have been sentenced to prison terms or exorbitant fines. Among those imprisoned were Mashallah Shamsolvaezin, the editor of a number of now-banned newspapers; Latif Safari, Shamsolvaezin's publisher; and independent journalists, such as Akbar Ganji, Ahmed Zeidabadi, Massoud Behnoud, Ebrahim Nabavi, and Ezzatollah Sahabi. In November Ganji went on trial for statements that he made at a conference in Berlin on Iranian politics (see Sections 1.c. and 1.e.).

The Government monitors carefully the statements and views of Iran's senior religious leaders to prevent disruptive dissent within the clerical ranks. In November 1997, Ayatollah Hossein Ali Montazeri, a cleric formerly designated as the successor to Iran's late Spiritual Leader Ayatollah Khomeini, called into question the authority of the current Supreme Leader, Ali Khamenei, criticizing his increasing intervention in government policy. The comments sparked attacks by Ansar-e Hezbollah mobs on Montazeri's residence and a Koranic school in Qom run by Montazeri. The promotion of Montazeri's views were among the charges brought against clerics Mohsen Kadivar and Abdollah Nouri at hearings of the Special Clerical Court in 1999 (see Sections 1.e.).

The press reported throughout the year that several persons were jailed for expressing support for Grand Ayatollah Montazeri. In October it was reported that Akbar Tajik-Saeeki, identified as the prayer leader at a Tehran mosque, was jailed by the Special Court for the Clergy for signing a petition that protested the continued detention of Grand Ayatollah Montazeri. Support for Montazeri was also one of the charges included in the wide-ranging indictment of former Interior Minister Abdollah Nouri (see Sections 1.e.). In December one of Montazeri's sons was arrested for distributing his father's writings.

The 134 signatories of the 1994 Declaration of Iranian Writers, which declared a collective intent to work for the removal of barriers to freedom of thought and expression, remain at risk. In July 1999, the Association of International Writers, known by its acronym PEN, released a statement noting that authorities had never solved the murders of signatories Ahmad Mirallai, Ghafar Hosseini, Ahmad Modhtari, Mohammad Jafar Pouyandeh, Ebrahim Zalzadeh, and Darioush and Parvaneh Forouhar, nor the disappearance in late 1998 of Pirouz Davani. PEN had reported in October 1998 that Declaration signatories Mohammad Pouyandeh, Mohammad Mokhtari, Houshang Golshiri, Kazem Kardevani, and Mansour Koushan were questioned by a Revolutionary Court in connection with their attempts to convene a meeting of the Iran Writer's Association. Mokhtari and Pouyandeh subsequently were murdered, while signatory Mansour Koushan reportedly fled to Norway.

The Government directly controls and maintains a monopoly over all television and radio broadcasting facilities; programming reflects the Government's political and socio-religious ideology. Because newspapers and other print media have a limited circulation outside large cities, radio and television serve as the principal news source for many citizens. Satellite dishes that receive foreign television broadcasts are forbidden; however, many citizens, particularly the wealthy, own them. In May 1999, the Minister of Islamic Culture and Guidance stated in public remarks that the Government might support an easing of the satellite ban. However, Supreme Leader Khamenei, who makes the ultimate determination on issues that involve radio and television broadcasting, quickly criticized any potential change as amounting to "surrender" to Western culture, effectively ending any further debate of the idea.

The Ministry of Islamic Culture and Guidance is charged with screening books prior to publication to ensure that they do not contain offensive material. However, some books and pamphlets critical of the Government are published without reprisal. The Ministry inspects foreign printed materials prior to their release on the market.

Legal scholar Hojatolislam Sayyid Mohsen Saidzadeh, who was convicted by the SCC in 1998 for his outspoken criticism of the treatment of women under the law, was released from prison early in 1999; however, the Government banned him from performing any clerical duties for 5 years and prohibited him from publishing (see Section 1.e.).



The Government effectively censors Iranian-made films, since it is the main source of funding for domestic film producers. Those producers must submit scripts and film proposals to government officials in advance of funding approval. However, such government restrictions appear to have eased since the election of President Khatami.

President Khatami announced in September 1998 that the Government would take no action to threaten the life of British author Salman Rushdie, or anyone associated with his work "The Satanic Verses." However, his remarks were repudiated by other parties, including the 15 Khordad Foundation, which claims to have financed a bounty for the murder of Rushdie (see Section 1.a.).

Academic censorship persists. In his 1996 interim report, the U.N. Special Representative noted the existence of a campaign to bring about the "Islamization of the universities," which appeared to be a movement to purge persons alleged to "fight against the sanctities of the Islamic system." Government informers who monitor classroom material reportedly are common on university campuses. Admission to universities is politicized; all applicants must pass "character tests" in which officials screen out applicants critical of the Government's ideology. To obtain tenure, professors must cooperate with government authorities over a period of years. Ansar-e Hezbollah thugs disrupt lectures and appearances by academics whose views do not conform with their own. In October 1999, a newspaper announced that a post-graduate philosophy course taught by Professor Abdolkarim Soroush at Tehran University was canceled due to threats to set fire to the classroom by unidentified persons.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution permits assemblies and marches "provided they do not violate the principles of Islam"; however, in practice the Government restricts freedom of assembly and closely monitors gatherings to ensure that they do not constitute uncontrolled antigovernment protest. Such gatherings include public entertainment and lectures, student gatherings, labor protests, funeral processions, and Friday prayer gatherings. A significant factor for groups in deciding whether to hold a public gathering is whether it would be opposed by the semiofficial Ansar-e Hezbollah, which uses violence and intimidation to disperse such assemblies.

In August two leading reform intellectuals, Mohsen Kadivar and Abdul Karim Soroush, were prevented by semiofficial club- and knife-wielding vigilantes from addressing a student convention in Khorramabad. Subsequent clashes between students and vigilantes resulted in the death of a police officer and injuries. The authorities arrested 150 persons.

On July 8, 1999, students at Tehran University who were protesting proposed legislation by the Majles that would limit press freedoms and the Government's closure of a prominent reformoriented newspaper, were attacked by elements of the security forces and Ansar-e Hezbollah thugs. Police forces reportedly looked on and allowed repeated attacks against the students and their dormitory. Human Rights Watch reported that, according to witnesses, at least 4 students were killed in the assault on the dormitory, 300 were wounded, and 400 were detained. The demonstrations continued to grow in subsequent days to include many nonstudents. Looting, vandalism, and large-scale rioting began and spread to cities outside Tehran. Student groups attempted to distance their organizations from these later acts, which they blamed on government-sanctioned agitators. The Government intervened to stop the rioting and announced a July 14 counter-demonstration of regime loyalists and off-duty government workers, many of whom were bussed in from other cities for the demonstration.

In September 1999, the head of the Tehran Revolutionary Court, Hojatoleslam Gholamhossein Rahbarpour, was quoted as saying that 1,500 students were arrested during the riots, 500 were released immediately after questioning, 800 were released later, and formal investigations were undertaken against the remaining 200. He also announced that four student leaders were sentenced to death by a Revolutionary Court for their role in the demonstrations. The death sentences reportedly were commuted to prison terms during the year. The Special Representative's report stated that about two-thirds of the students who initially were arrested subsequently were released, but noted that there has been no formal accounting of all the persons arrested in connection with the July 1999 demonstrations.

The Government arrested the leaders of the Iran Nations Party in the aftermath of the July 1999 demonstrations. The party is a secular nationalist movement that predates the revolution and is viewed as a threat by certain elements of the Government. The party was accused of inciting rioters and of encouraging disparaging slogans against "sacred values." Agents of the intelligence service in late 1998 killed the former head of the Iran Nations Party, Darioush Forouhar, along with his wife (see Section 1.a.).

In the aftermath of these events, the Government took action against members of the security forces for their violent assault on the student dormitory, and against student leaders, demonstrators, and political activists, whom it blamed for inciting illegal behavior. In August 1999, the commander of the security forces, General Hedayat Lotfian, was summoned before the Parliament to explain the role of his officers in the dormitory raid. He reportedly announced that 98 officers were arrested for their actions. In February 20 police officers and officials were tried on charges of misconduct in connection with the demonstrations. The court found that misconduct had occurred, and ordered compensation for 34 injured students. However, the court released all but two of the accused officers.

The Government forcefully suppressed demonstrations by Kurds in the wake of the February 1999 arrest of PKK leader Abudullah Ocalan in Turkey. Security forces reportedly killed 20 persons and made several hundred arrests (see Sections 1.a. and 5).

The Government limits freedom of association. The Constitution provides for the establishment of political parties, professional associations, Islamic religious groups, and recognized religious minorities, provided that such groups do not violate the principles of "freedom, sovereignty, and national unity," or question Islam as the basis of the Islamic Republic. President Khatami repeatedly has declared as a major goal the development of civil society. A newspaper reported in June 1999 that the Article Ten Commission, a government body responsible for reviewing applications for the establishment of political parties, guilds, societies, and nongovernmental organizations (NGO's), released figures indicating that as of April, "85 political, 115 specialized, and 26 religious minority organizations and associations" were active in the country.

*c. Freedom of Religion.*—The Government restricts freedom of religion. The Constitution declares that the "official religion of Iran is Islam and the sect followed is that of Ja'fari (Twelver) Shi'ism," and that this principle is "eternally immutable." It also states that "other Islamic denominations are to be accorded full respect," and recognizes Zoroastrians, Christians, and Jews (Iran's pre-Islamic religions) as the only "protected religious minorities." Religions not specifically protected under the Constitution do not enjoy freedom of religion. This situation most directly affects the nearly 350,000 followers of the Baha'i Faith, who effectively enjoy no legal rights.

The central feature of the country's Islamic republican system is rule by a "religious jurisconsult." Its senior leadership, including the Supreme Leader of the Revolution, the President, the head of the Judiciary, and the Speaker of the Islamic Consultative Assembly (Parliament), is composed principally of Shi'a clergymen.

Religious activity is monitored closely by the Ministry of Intelligence and Security (MOIS). Adherents of recognized religious minorities are not required to register individually with the Government, although their community, religious, and cultural organizations, as well as schools and public events are monitored closely. Baha'is are not recognized by the Government as a legitimate religious group; rather, they are considered an outlawed political organization. Registration of Baha'i adherents is a police function. Evangelical Christian groups are pressured by government authorities to compile and hand over membership lists for their congregations. Evangelicals have resisted this demand. Non-Muslim owners of grocery shops are required to indicate their religious affiliation on the front of their shops.

The population is approximately 99 percent Muslim, of which 89 percent are Shi'a and 10 percent are Sunni (mostly Turkomans, Arabs, Baluchs, and Kurds living in the southwest, southeast, and northwest). Baha'i, Christian, Zoroastrian, and Jewish communities compose less than 1 percent of the population. Sufi brotherhoods are popular, but there are no reliable figures available to judge their true size.

Members of religious minorities are allowed to vote, but they may not run for President. All religious minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing (see Section 5).

The Government allows recognized religious minorities to conduct religious education of their adherents. This includes separate and privately funded Zoroastrian, Jewish, and Christian schools. These schools are supervised by the Ministry of Education, which imposes certain curriculum requirements. With few exceptions, the directors of these private schools must be Muslim. Attendance at these schools is not mandatory for recognized religious minorities. All textbooks used in course work must be approved for use by the Ministry of Education, including religious texts. Religious texts in non-Persian languages require approval by the authorities for use. This requirement imposes sometimes significant translation expenses on minority communities. Recognized religious minorities may provide religious instruction in non-Persian languages, but often come under pressure from the authorities when conducting such instruction in Persian. In particular, evangelical Christian and

Jewish communities have suffered harassment and arrest by authorities for the printing of materials or delivery of sermons in Persian.

Recognized religious minorities are allowed by the Government to establish community centers and certain cultural, social, sports, or charitable associations that they finance themselves. This does not apply to the Baha'i community which, since 1983, has been denied the right to assemble officially or to maintain administrative institutions. Because the Baha'i Faith has no clergy, the denial of the right to form such institutions and elect officers has threatened its existence in the country.

University applicants are required to pass an examination in Islamic theology. Although public-school students receive instruction in Islam, this requirement limits the access of most religious minorities to higher education. Applicants for public sector employment similarly are screened for their knowledge of Islam.

Religious minorities suffer discrimination in the legal system, receiving lower awards in injury and death lawsuits, and incurring heavier punishments than Muslims. Muslim men are free to marry non-Muslim women, but the opposite does not apply. Marriages between Muslim women and non-Muslim men are not recognized.

The Government is highly suspicious of any proselytizing of Muslims by non-Muslims and can be harsh in its response, in particular against Baha'is and evangelical Christians. The Government regards the Baha'i community, whose faith originally derives from a strand of Islam, as a "misguided" or "wayward" sect. The Government has fueled anti-Baha'i and anti-Jewish sentiment in the country for political purposes.

The Government does not ensure the right of citizens to change or recant their religious faith. Apostasy, specifically conversion from Islam, may be punishable by death.

Although Sunni Muslims are accorded full respect under the terms of the Constitution, some Sunni groups claim discrimination on the part of the Government. In particular, Sunnis cite the lack of a Sunni mosque in Tehran and claim that authorities refuse to authorize construction of a Sunni place of worship in the capital. Sunnis also have accused the state broadcasting company of airing programming insulting to Sunnis. Numerous Sunni clerics have been killed in recent years, some allegedly by agents of the Government. For example, Human Rights Watch reported in 1998 the killing of Sunni prayer leader Molavi Imam Bakhsh Narouie in the province of Sistan va-Baluchistan in the southeast. This led to protests from the local community, which believed that government authorities were involved in the killing.

Majdhub Alishahi, an adherent of the Sufi tradition, reportedly was executed on charges of adultery and homosexuality after a coerced confession in 1996. Sufi organizations outside the country remain concerned about repression by the authorities of Sufi religious practices.

The largest non-Muslim minority is the Baha'i Faith, estimated at nearly 350,000 adherents throughout the country. The Baha'i Faith originated in Iran during the 1840's as a reformist movement within Shi'a Islam. Initially it attracted a wide following among Shi'a clergy. The political and religious authorities of that time joined to suppress the movement, and since then the hostility of the Shi'a clergy to the Baha'i Faith has remained intense. Baha'is are considered apostates because of their claim to a valid religious revelation subsequent to that of the Prophet Mohammed. The Baha'i Faith is defined by the Government as a political "sect" historically linked to the Pahlavi monarchy and, therefore, as counterrevolutionary. Historically at risk, Baha'is often have suffered increased levels of mistreatment during times of political unrest.

Baha'is may not teach or practice their faith or maintain links with coreligionists abroad. The fact that the Baha'i world headquarters is situated in what is now the state of Israel (established by the founder of the Baha'i Faith in the 19th century in what was then Ottoman-controlled Palestine) exposes Baha'is to government charges of "espionage on behalf of Zionism," in particular when Baha'is are caught communicating with or remitting monetary contributions to the Baha'i Faith headquarters.

Broad restrictions on Baha'is appear to be geared to destroying them as a community. They repeatedly have been offered relief from abuse in exchange for recanting their faith. Baha'i cemeteries, holy places, historical sites, administrative centers, and other assets were seized shortly after the 1979 revolution. None of these properties have been returned and many have been destroyed. Baha'is are not allowed to bury and honor their dead in keeping with their religious tradition. In October 1998, three Baha'is were arrested in Damavand, a city north of Tehran, on the grounds that they had buried their dead without government authorization.

In the past, Baha'i marriages were not recognized by the Government, leaving Baha'i women open to charges of prostitution. As a result, children of Baha'i mar-

riages were not recognized as legitimate and, therefore, were denied inheritance rights. However, in April the Government announced the elimination of the requirement that citizens indicate religious affiliation at the time of registration of marriage. This may allow Bahai's to register their marriages officially, and thereby mitigate some of the legal obstacles that they face.

Manuchehr Khulusi was arrested in June 1999 while visiting fellow Baha'is in the town of Birjand, and was imprisoned until his release in May. During his imprisonment, Khulusi was interrogated, beaten, held in solitary confinement, and denied access to his lawyer. The charges brought against him still are unknown, but they were believed to be related to his faith. The Islamic Revolutionary Court in Mashhad held a 2-day trial in September 1999 and then sentenced him to death in February. Despite Khulusi's release, it is unclear if the conviction and death sentence against him still stand.

Ruhollah Rowhani, a Baha'i, was executed in July 1998 after having served 9 months in solitary confinement on a charge of apostasy, which arose from his allegedly having converted a Muslim woman to the Baha'i Faith. The woman claimed that her mother was a Baha'i and she herself had been raised a Baha'i. Rowhani was not accorded a public trial, and no sentence was announced prior to his execution.

Two other Baha'is, Sirus Zabihi-Moghaddam and Hadayat Kashefi-Najafabadi, were tried alongside Rowhani and later sentenced to death by a revolutionary court in Mashad for practicing their faith. The sentences were reduced during the year to jail terms of 7 and 5 years, respectively.

Baha'i group meetings and religious education, which often take place in private homes and offices, are curtailed severely. Public and private universities continue to deny admittance to Baha'i students, a particularly demoralizing blow to a community that traditionally has placed a high value on education. Denial of access to higher education appears aimed at the eventual impoverishment of the Baha'i community.

The property rights of Baha'is generally are disregarded. Since 1979 large numbers of private and business properties belonging to Baha'is have been confiscated. In 1999 three Baha'i homes in Yazd and one in Arbakan were confiscated because their owners were members of the Baha'i community. In September and October 1998, government officers plundered more than 500 Baha'i homes throughout the country and seized personal household effects, such as furniture and appliances. Seizure of personal property, in addition to the denial of access to education and employment, is eroding the economic base of the Baha'i community.

In 1999 authorities in Khurasan intensified their efforts to intimidate and undermine Baha'i education. Two teachers in Mashhad were arrested and sentenced to 3 years' imprisonment. Their students were given suspended sentences, to be reinstated if the students again participated in religious education classes. Three more Baha'is were arrested in Buynurd in northern Khurasan for participating in religious education gatherings. After 6 days in prison, they were released with suspended sentences of 5 years. The use of suspended sentences appears to be a new government tactic to discourage Baha'is from taking part in monthly religious gatherings.

In September 1998, authorities began a nationwide operation to disrupt the activities of the Baha'i Institute of Higher Learning. Also known as the "Open University," the Institute was established by the Baha'i community shortly after the revolution to offer opportunities in higher education to Baha'i students who had been denied access to the country's high schools and universities. The Institute employed Baha'i faculty and professors, many of whom had been dismissed from teaching positions by the Government as a result of their faith, and conducted classes in homes or offices owned or rented by Baha'is. During the operation, which took place in at least 14 different cities, 36 faculty members were arrested, and a variety of personal property, including books, papers, and furniture, either were destroyed or confiscated. Government interrogators sought to force the detained faculty members to sign statements acknowledging that the Open University now was defunct and pledging not to collaborate with it in the future. Baha'is outside the country report that none of the 36 detainees would sign the document. All but 4 of the 36 persons detained during the September 1998 raid on the Baha'i Institute had been released by November 1998.

In March 1999, Dr. Sina Hakiman, Farzad Khajeh Sharifabadi, Habibullah Ferdosian Najafabadi, and Ziaullah Mirzapanah, the four remaining detainees from the September 1998 raid, were convicted under Article 498 of the Penal Code and sentenced to prison terms ranging from 3 to 10 years. In the court verdict, the four were accused of having establishing a "secret organization" engaged in "attracting youth, teaching against Islam, and teaching against the regime of the Islamic Re-

public." According to Baha'i groups outside Iran, the four taught general science and Persian literature courses. In July 1999, Mirzapanah, who had been sentenced to 3 years in prison, became ill and was hospitalized. Prison authorities allowed him to return home upon his recovery on the understanding that they could find him whenever necessary. The other three were released in December 1999.

The Government appears to adhere to a practice of keeping a small number of Baha'is in arbitrary detention, some at risk of execution, at any given time. There were at least 10 Baha'is reported to be under arrest for practicing their faith at year's end, 2 under sentence of death.

Baha'is regularly are denied compensation for injury or criminal victimization. Government authorities claim that only Muslim plaintiffs are eligible for compensation in these circumstances. In practice, Baha'is continue to be denied most forms of government employment (see Section 5).

In 1993 the U.N. Special Representative reported the existence of a government policy directive on the Baha'is. According to the directive, the Supreme Revolutionary Council instructed government agencies to block the progress and development of the Baha'i community, expel Baha'i students from universities, cut Baha'i links with groups outside Iran, restrict employment of Baha'is, and deny Baha'is "positions of influence," including those in education. The Government claims that the directive is a forgery. However, it appears to be an accurate reflection of current government practice.

In his 1996 report to the U.N. Commission on Human Rights, the U.N. Special Rapporteur on the Question of Religious Intolerance recommended "that the ban on the Baha'i organization should be lifted to enable it to organize itself freely through its administrative institutions, which are vital in the absence of a clergy, so that it can engage fully in its religious activities." In response to the Special Rapporteur's concerns with regard to the lack of official recognition of the Baha'i Faith, government officials stated that Baha'is "are not a religious minority, but a political organization that was associated with the Shah's regime, is against the Iranian Revolution, and engage in espionage activities." The Government asserted to the Special Rapporteur that, as individuals, all Baha'is were entitled to their beliefs and protected under other articles of the Constitution as citizens.

The Christian community is estimated at approximately 117,000, according to government figures. Of these the majority are ethnic Armenians and Assyro-Chaldeans. Protestant denominations and evangelical churches also are active, although non-ethnically-based groups report a greater degree of restrictions on their activities.

The authorities have become particularly vigilant in recent years in curbing what is perceived as increasing proselytizing activities by evangelical Christians, whose services are conducted in Persian. Conversion of a Muslim to a non-Muslim religion can be considered apostasy. Government officials have reacted to this perceived activity by closing evangelical churches and arresting converts. Members of evangelical congregations are required to carry membership cards, photocopies of which must be provided to the authorities. Worshipers are subject to identity checks by authorities posted outside congregation centers. Meetings for evangelical services have been restricted by the authorities to Sundays, and church officials have been ordered to inform the Ministry of Information and Islamic Guidance before admitting new members to their congregations.

As conversion by a Muslim to a non-Muslim religion may be considered apostasy under traditional Shari'a (Islamic law) practices enforced in the country, non-Muslims may not proselytize Muslims without putting their own lives at risk. Evangelical church leaders are subject to pressure from authorities to sign pledges committing them not to evangelize Muslims or to allow Muslims to attend church services.

One organization reported in 1999 the deaths of 8 evangelical Christians at the hands of authorities in the past 11 years, and between 15 and 23 disappearances between November 1997 and November 1998.

Oppression of evangelical Christians continued during the year. Christian groups reported instances of government harassment of churchgoers in Tehran, in particular against worshipers at the Assembly of God congregation in the capital. Cited instances of harassment included conspicuous monitoring outside Christian premises by Revolutionary Guards to discourage Muslims or converts from entering church premises and demands for presentation of identity papers of worshipers inside. Iranian Christians International (ICI) detailed the cases of Alireza and Mahboobeh Mahmoudian, converts to Christianity and lay leaders of the Saint Simon the Zealot Osgofi Church in Shiraz, who were forced to leave the country permanently in June 1998 after continued harassment by the authorities. The ICI reported that Alireza Mahmoudian had lost his job because of his conversion and had

been beaten repeatedly by Basiji and Ansar-e Hezbollah thugs on the orders of government officials from the Ministry of Islamic Guidance. His wife, Mahboobeh, also had been the subject of intimidation, principally through frequent and aggressive interrogation by government officials.

Estimates of the size of the Iranian Jewish community vary from 25,000 to 30,000. These figures represent a substantial reduction from the estimated 75,000 to 80,000 Jews who resided in the country prior to the 1979 revolution.

While Jews are a recognized religious minority, allegations of official discrimination are frequent. The Government's anti-Israel policies, coupled with a perception among radicalized Muslim elements in Iran that Jewish citizens support Zionism and the State of Israel, create a threatening atmosphere for the small Jewish community. Jewish leaders reportedly are reluctant to draw attention to official mistreatment of their community due to fear of government reprisal.

Some outside Jewish groups cite an increase in anti-Semitic propaganda in the official and semiofficial media as adding to the pressure felt by the Jewish community. One example cited is the periodic publication of the anti-Semitic and fictitious Protocols of the Elders of Zion, both by the Government and by periodicals associated with hard-line elements of the Government. In 1986 the Iranian Embassy in London was reported to have published and distributed the Protocols in English. The Protocols also were published in serial form in the country in 1994 and again in January 1999. On the latter occasion they were published in Sobh, a conservative monthly publication reportedly aligned with the security services.

There appears to be little restriction or interference with religious practice or education; however, Jews were eased out of most government positions after 1979. Jews are permitted to obtain passports and to travel outside the country; however, with the exception of certain business travelers, they are required by the authorities to obtain government clearance (and pay additional fees) before each trip abroad. The Government appears concerned about the emigration of Jews and permission generally is not granted for all members of a Jewish family to travel outside the country at the same time (see Section 2.d.).

In February and March 1999, 13 Jews were arrested in the cities of Shiraz and Isfahan. Among the group were several prominent rabbis, teachers of Hebrew, and their students. The charges centered on alleged acts of espionage on behalf of Israel, an offense punishable by death. The 13 were jailed for over 1 year, largely in solitary confinement, without official charges or access to lawyers. In April the defendants were appointed lawyers, and a closed trial commenced in a revolutionary court in Shiraz. Human rights groups and governments around the world criticized the lack of due process in the proceedings. The Special Representative characterized them as "in no way fair." On July 1, 10 of the 13, along with 2 Muslim defendants, were convicted on charges of illegal contact with Israel, conspiracy to form an illegal organization, and recruiting agents. They received prison sentences ranging from 4 to 13 years. Three were acquitted. Their lawyers filed an appeal and on September 21 an appeals court overturned the convictions for forming an illegal organization and recruiting agents, but upheld the convictions for illegal contacts with Israel. Their sentences were reduced to between 2 and 9 years' imprisonment.

Jewish groups outside Iran noted that the March 1999 arrest of the 13 Jewish individuals coincided with an increase in anti-Semitic propaganda in newspapers and journals associated with hardline elements of the Government. Since the beginning of the trial, Jewish businesses in Tehran and Shiraz have been targets of vandalism and boycotts, and Jews reportedly suffered personal harassment and intimidation.

Human Rights Watch reported the death in May 1998 of Jewish businessman Ruhollah Kakhodah-Zadeh, who was hanged in prison without a public charge or legal proceeding. Reports indicate that Kakhodah-Zadeh may have been killed for assisting Jews to emigrate. As an accountant, Kakhoda-Zadeh had provided power-of-attorney services for Jews departing the country.

The Government restricts the movement of several senior religious leaders, some of whom have been under house arrest for years (see Sections 1.d. and 2.d.), and often charges members of religious minorities with crimes such as drug offenses, "confronting the regime," and apostasy (see Section 1.e.).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government places some restrictions on these rights. Citizens may travel to any part of the country, although there have been restrictions on travel to Kurdish areas during times of occasional heavy fighting. Roadblocks and security checks are common on routes between major cities. Citizens may change their place of residence without obtaining official permission. The Government requires exit permits (a validation stamp placed in the traveler's passport) for draft-age males and citizens who are politically suspect. Some citizens, particularly those whose skills are in short supply and who were educated at government expense, must post

bonds to obtain exit permits. The Government restricts the movement of certain religious minorities and of several religious leaders (see Sections 1.d. and 2.c.).

Citizens returning from abroad sometimes are subject to search and extensive questioning by government authorities for evidence of antigovernment activities abroad. Cassette tapes, printed material, personal correspondence, and photographs are subject to confiscation.

The Government permits Jews to travel abroad, but often denies them the multiple-exit permits normally issued to other citizens. The Government normally does not permit all members of a Jewish family to travel abroad at the same time. Baha'is often experience difficulty in obtaining passports. Women must obtain the permission of their husband, father, or other living male relative in order to obtain a passport. Married women must receive written permission from their husbands before embarking on a trip outside the country.

The law contains provisions for granting refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government generally cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although the Government generally provides first asylum, the Government increased pressure on some refugees to return to their home countries, particularly as the economy has worsened.

The country hosts a large refugee population, mostly Afghans who fled during the Soviet occupation. The Government and the UNHCR estimate that there are approximately 1.4 million Afghan refugees in the country. Most subsist on itinerant labor, often moving from place to place within the country. Between April and December, the government and the UNHCR operated a joint program intended to facilitate the repatriation of Afghans who did not have a well-founded fear of persecution. Approximately 133,000 Afghans returned voluntarily with UNHCR assistance, and another 50,000 returned with help from the Government. There were reports in late 1998 and early 1999 of a surge in the numbers of Afghans forcibly repatriated to their country by government officials and military personnel. Reasons cited were a worsening economic situation and anger over the murders in August 1998 of nine Iranian diplomats and journalists stationed at the Iranian Consulate in the Afghan city of Mazar-e Sharif. There also were reports during this period of civilian mob attacks against groups of Afghan refugees, which resulted in numerous deaths.

The UNHCR estimates that there were about 386,000 Iraqi Kurdish and Arab refugees in the country at year's end. Many of these Iraqi refugees originally were expelled by Iraq at the beginning of the Iran-Iraq war because of their suspected Iranian origin. In numerous instances, both the Iraqi and Iranian Governments dispute their citizenship, rendering many of them, in effect, stateless. Other Iraqi refugees arrived following Iraq's invasion of Kuwait in 1990.

Although the Government claims to host more than 30,000 refugees of other nationalities, including Tajiks, Bosnians, Azeris, Eritreans, Somalis, Bangladeshis and Pakistanis, it has provided no information about them or allowed the UNHCR or other organizations access to them.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The right of citizens to change their government is restricted. The Supreme Leader, the recognized Head of State, is selected for a life term by the Assembly of Experts. The Supreme Leader may also be removed by the Assembly of Experts. The Assembly itself is restricted to clerics, who serve an 8-year term and are chosen by popular vote from a list approved by the Government. There is no separation of state and religion, and clerics dominate the Government. The Government represses any attempts to separate state and religion, or to alter the State's existing theocratic foundation. The selection of candidates for elections effectively is controlled by the Government.

The Constitution provides for a Council of Guardians composed of six Islamic clergymen and six lay members who review all laws for consistency with Islamic law and the Constitution. The Council also screens political candidates for ideological, political, and religious suitability. It accepts only candidates who support a theocratic state; clerics who disagree with government policies also have been disqualified.

Regularly scheduled elections are held for the President, members of the Majles, and the Assembly of Experts. Mohammad Khatami, a former Minister of Culture and Islamic Guidance who was impeached in 1992 by the Majles for "liberalism" and "negligence," was elected President in May 1997. The Interior Ministry estimated that over 90 percent of the eligible population voted in that election. During the campaign, there was considerable government intervention and censorship. For

example, the Council of Guardians reviewed 238 candidates, including a woman, but allowed only 4 individuals to run. Three were clerics; all were men. Khatami won nearly 70 percent of the vote, with his greatest support coming from the middle class, youth, minorities, and women. The election results were not disputed, and the Government did not appear to have engaged in fraud.

Elections were held in the fall of 1998 for the 86-member Assembly of Experts. The Council of Guardians disqualified numerous candidates, which led to criticism from many observers that the Government improperly predetermined the election results.

In February 1999, elections for nationwide local councils were held for the first time since the 1979 revolution. Government figures indicated that roughly 280,000 candidates competed for 130,000 council seats across the nation. Women were elected to seats in numerous districts. The Councils do not appear to have been granted the autonomy or authority that would make them effective or meaningful local institutions; doing so could be viewed as a threat to the control of the central Government.

Iran held elections for its 290 seat Majles in February. Of over 6,000 candidates, 576 were disqualified before the elections by the Council of Guardians, which represented a substantial decrease from the 44 percent who were disqualified before the 1996 elections. Most of those disqualified were outspoken advocates of political reform, including some of the most prominent supporters of President Khatami. In addition, an Azeri activist was arrested in December 1999, reportedly to prevent him from registering to run in the elections (see Sections 1.d. and 5). However, candidates with a wide range of views were permitted to run. The elections resulted in a landslide victory for moderate and reform candidates, who now constitute a large majority in the Majles. Vigorous parliamentary debates take place on various issues. However, the Supreme Leader and other conservatives within the Government used constitutional provisions to block much of the early reform legislation passed by the Majles.

Women are underrepresented in government. They hold 9 of 290 Majles seats. There are no female cabinet members. In 1997 President Khatami appointed the first female vice president (for environmental protection) since the 1979 Islamic Revolution, Masoumeh Ebtekar, following his inauguration. Minister of Islamic Culture and Guidance Ataollah Mohajerani appointed a second woman to a senior post, Azam Nouri, when he chose her in 1997 as his Deputy Minister for Legal and Parliamentary Affairs. President Khatami appointed a woman to serve as Presidential Adviser for Women's Affairs.

Christians, Jews, and Zoroastrians elect deputies to specially reserved Majles seats. However, the UN Special Representative noted in his September report frequent assertions that religious minorities are, by law and practice, barred from being elected to a representative body (except to the seats in the Majles reserved for minorities), and from holding senior government or military positions. Religious minorities are allowed to vote, but they may not run for president.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government continued to restrict the work of local human rights groups. The Government denies the universality of human rights and has stated that human rights issues should be viewed in the context of a country's "culture and beliefs."

Various professional groups representing writers, journalists, photographers, and others attempt to monitor government restrictions in their field and harassment and intimidation against individual members of their professions. However, their ability to meet, organize, and effect change is curtailed severely by the Government.

International human rights NGO's such as Human Rights Watch and Amnesty International are not permitted to establish offices in or conduct regular investigative visits to the country. Human Rights Watch and members of a European judicial monitoring NGO were permitted to send representatives to Shiraz for the trial of 13 Iranian Jews on espionage charges (see Section 2.c.). However, they were not permitted to monitor the trial proceedings.

The ICRC and the UNHCR both operate in the country. However, the Government did not allow the U.N. Special Representative for Human Rights in Iran to visit the country during the year. The Special Representative last was allowed entry into the country to gather information for his yearly report in 1996. However, the Special Representative corresponded with government officials during the year, and received several replies to his correspondence.

The Islamic Human Rights Commission (IHRC) was established in 1995 under the authority of the head of the judiciary, who sits on its board as an observer. In 1996 the Government established a human rights committee in the Majles. Most ob-



servers believe that these bodies lack independence. The U.N. Special Representative published statistics provided by the IHRC indicating that in the period from March 1998 to March 1999, 1,051 files were opened on the basis of complaints received by the organization. Of those the highest number of complaints were related to the judiciary. Of a total of about 3,000 currently active files, approximately 1,000 were related to women and women's issues.

In April 1999, Mohammad Zia'i Far, secretary of the IHRC, stated in a press interview that illegal detention centers continue to exist in Iran. The press also reported that the IHRC sought permission from the Special Court for the Clergy to visit imprisoned cleric Mohsen Kadivar in Evin Prison in March 1999 (see Section 1.e.). The request reportedly was never answered. Kadivar was released during the summer. In 1998 Ziaei-Far reportedly complained about the use by police of "special detention centers" to conduct coercive interrogations of detainees (see Section 1.c.) and acknowledged widespread human rights violations.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

In general the Government does not discriminate on the basis of race, disability, language, or social status. The Government does discriminate on the basis of religion and sex.

*Women.*—Although reported cases of spousal abuse and violence against women occur, the statistics on such reports are not available publicly. Abuse in the family is considered a private matter and seldom is discussed publicly. In May 1999, the President's Advisor on Women's Affairs was quoted in the press as stating that "one cannot claim that violence against women does not take place in Iran." The Special Representative noted in his September report that media reporting on the situation of women has diminished, in part due to the closure of the reformoriented press (see Section 2.a.).

Women have access to primary and advanced education; however, social and legal constraints limit their professional opportunities. In September the Majles approved a controversial bill to allow single women to travel abroad for graduate education. The legislation was under consideration by the Council of Guardians at year's end. Women are represented in many fields of the work force, and the Government has not prevented women from entering many traditionally male-dominated fields, including medicine, dentistry, journalism and agriculture. However, many women choose not to work outside the home. A 1985 law enacted by the Government instituted 3 months of paid maternity leave, and 2 half-hour periods per day for nursing mothers to feed their babies. Pension benefits for women were established under the same law, which also decreed that companies hiring women should provide day-care facilities for young children of female employees.

The State enforces gender segregation in most public spaces, and prohibits women mixing openly with unmarried men or men not related to them. Women must ride in a reserved section on public buses and enter public buildings, universities, and airports through separate entrances. Women are prohibited from attending male sporting events, although this restriction does not appear to be enforced universally. While the enforcement of a conservative Islamic dress codes has varied with the political climate since the death of Ayatollah Khomeini in 1989, what women wear in public is not entirely a matter of personal choice. Women are subject to harassment by the authorities if their dress or behavior is considered inappropriate, and may be sentenced to flogging or imprisonment for such violations. The law prohibits the publication of pictures of uncovered women in the print media, including pictures of foreign women. There are penalties for failure to observe Islamic dress codes at work (see Section 6.a.).

Discrimination against women is reinforced by law through provisions of the Islamic Civil and Penal Codes, in particular those sections dealing with family and property law. Shortly after the 1979 revolution, the Government repealed the Family Protection Law, a hallmark bill that was adopted in 1967, which gave women increased rights in the home and workplace, and replaced it with a legal system based largely on Shari'a practices. In 1998 the Majles passed legislation that mandated segregation of the sexes in the provision of medical care. The bill provided for women to be treated only by female physicians and men by male physicians and raised questions about the quality of care that women could receive under such a regime, considering the current imbalance between the number of trained and licensed male and female physicians and specialists.

In October the Parliament passed a bill to raise the legal age of marriage for women from 9 to 15. However, the Council of Guardians in November rejected the bill as contrary to Islamic law, although even under the current law, marriage at the minimum age is rare. All women, no matter the age, must have the permission

of their father or a living male relative in order to marry. The law allows for the practice of *Siqeh*, or temporary marriage, a Shi'a custom in which a woman or a girl may become the wife of a married or single Muslim male after a simple and brief religious ceremony. The *Siqeh* marriage can last for a night or as little as 30 minutes. The bond is not recorded on identification documents, and, according to Islamic law, men may have as many *Siqeh* wives as they wish. Such wives are not granted rights associated with traditional marriage.

The Penal Code includes provisions that mandate the stoning of women and men convicted of adultery (see Sections 1.a and 1.c.). Under legislation passed in 1983, women have the right to divorce, and regulations promulgated in 1984 substantially broadened the grounds on which a woman may seek a divorce. However, a husband is not required to cite a reason for divorcing his wife. In 1986 the Government issued a 12-point "contract" to serve as a model for marriage and divorce, which limits the privileges accorded to men by custom and traditional interpretations of Islamic law. The model contract also recognized a divorced woman's right to a share in the property that couples acquire during their marriage and to increased alimony rights. Women who remarry are forced to give up to the child's father custody of children from earlier marriages. In 1998 the Majles passed a law that granted custody of minor children to the mother in certain divorce cases in which the father is proven unfit to care for the child (the measure was enacted because of the complaints of mothers who had lost custody of their children to former husbands with drug addictions and criminal records). Muslim women may not marry non-Muslim men. The testimony of a woman is worth only half that of a man in court (see Section 1.e.). A married woman must obtain the written consent of her husband before traveling outside the country (see Section 2.d.).

*Children.*—Most children have access to education through the 12th grade (it is compulsory to age 11), and to some form of health care. There is no known pattern of child abuse.

*People with Disabilities.*—There is no available information regarding whether the Government has legislated or otherwise mandated accessibility for the disabled. However, the Cable News Network reported in 1996 on the harsh conditions in an institution for retarded children who had been abandoned by their parents. Film clips showed children tied or chained to their beds, in filthy conditions, and without appropriate care. It is not known to what extent this represents the typical treatment of the disabled.

*Religious Minorities.*—Members of all religious minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and housing. Applicants for publicsector employment are screened for their adherence to Islam. The law stipulates penalties for government workers who do not observe "Islam's principles and rules." Article 144 of the Constitution states that "the Army of the Islamic Republic of Iran must be an Islamic army," which is "committed to an Islamic ideology," and must "recruit into its service individuals who have faith in the objectives of the Islamic Revolution and are devoted to the cause of achieving its goals." Apostasy, or conversion from Islam to another religion, is punishable by death.

The Christian, Jewish, Zoroastrian, and Baha'i minorities suffer varying degrees of officially sanctioned discrimination, particularly in the areas of employment, education, and public accommodations (see Section 2.d.). For example, members of religious minorities generally are barred from becoming school principals. Muslims who convert to Christianity also suffer discrimination. Apostasy, or conversion from Islam to another religion, may be punishable by death.

University applicants are required to pass an examination in Islamic theology. Although public-school students receive instruction in Islam, this requirement limits the access of most religious minorities to higher education.

Religious minorities suffer discrimination in the legal system, receiving lower awards in injury and death lawsuits and incurring heavier punishments than Muslims.

Jewish groups outside Iran noted that the arrest of 13 Jewish individuals in February and March 1999, as well as their subsequent trial during the year, coincided with an increase in anti-Semitic propaganda in newspapers and journals associated with hard-line elements of the Government (see Section 2.c.). They also note that the Shirazi Jewish community, one of the oldest remaining Jewish communities outside Israel, had been under close surveillance by government authorities prior to the arrests and had been warned by the authorities against certain activities, such as the publication in Persian of scriptures and guidelines for the treatment of kosher foods.

In 1993 the U.N. Special Representative reported the existence of a government policy directive to block the progress of Baha'is (see Section 2.c.).

Properties belonging to the Baha'i community as a whole, such as places of worship and graveyards, were confiscated by the Government in the years after the 1979 revolution and, in some cases, defiled. Baha'is are prevented from enrolling in universities. However, other Government restrictions have eased; Baha'is currently may obtain ration booklets and send their children to public elementary and secondary schools. Thousands of Baha'is who were dismissed from government jobs in the early 1980's receive no unemployment benefits and have been required to repay the Government for salaries or pensions received from the first day of employment. Those unable to do so face prison sentences (see Sections 1.d. and 2.c.).

*National/Racial/Ethnic Minorities.*—The Kurds seek greater autonomy from the central Government and continue to suffer from government discrimination. The Kurds' status as Sunni Muslims is an aggravating factor in their relations with the Shi'a-dominated government. These tensions predate the revolution. Kurds often are suspected by government authorities of harboring separatist or foreign sympathies. These suspicions have led to sporadic outbreaks of fighting between government forces and Kurdish groups. Human Rights Watch reported in September 1997 that in the wake of the Gulf War and the creation of an autonomous Kurdish zone in northern Iraq, Iranian authorities increased their military presence in Kurdish areas of Iran, which often led to human rights abuses against Kurds. Abuses included destruction of villages, forced migrations, and widespread mining of Kurdish property. In 1994 government agents killed Dr. Abdul Rahman Gassemlou, a representative of the Kurdish Democratic Party of Iran in Vienna.

In the wake of the February 1999 arrest of Kurdish Workers Party leader Abdullah Ocalan in Turkey, Iranian Kurds demonstrated in numerous cities in Iranian Kurdistan. In several instances, security forces suppressed the demonstrations by force. Human rights groups reported at least 20 deaths and several hundred arrests during the violence (see Sections 1.a. and 2.b.).

Azeris are well integrated into the Government and society, but complain of ethnic and linguistic discrimination. The Government traditionally has viewed Azeri nationalism as threatening, particularly since the dissolution of the Soviet Union and the creation of an independent Azerbaijan. Mohammed Chehrangi, an advocate for the cultural rights of Azeris, was arrested in December 1999. Azeri groups maintain that the arrest was made to prevent his registration as a candidate for the February parliamentary elections (see Sections 1.d. and 3).

#### *Section 6. Worker Rights*

*a. The Right of Association.*—The Labor Code grants workers the right to establish unions; however, the Government does not allow independent unions to exist. A national organization known as the Worker's House, founded in 1982, is the sole authorized national labor organization. It serves primarily as a conduit for the Government to exert control over workers. The leadership of the Worker's House coordinates activities with Islamic labor councils, which are made up of representatives of the workers and one representative of management in industrial, agricultural, and service organizations of more than 35 employees. These councils also function as instruments of government control, although they frequently have been able to block layoffs and dismissals.

In 1991 the Government published a new Labor Code that allowed employers and employees to establish guilds. The guilds issue vocational licenses and help members find jobs.

The Government does not tolerate any strike deemed to be at odds with its economic and labor policies. In 1993 the Parliament passed a law that prohibits strikes by government workers. It also prohibits government workers from having contacts with foreigners and stipulates penalties for failure to observe Islamic dress codes and principles at work. Nevertheless, strikes occur, and apparently in increasing numbers as the economy has worsened. A European-based labor organization that follows Iranian labor issues reported 181 protests and strikes by workers in the period from March 1998 to March 1999. These reportedly included strikes and protests by oil, textile, electrical manufacturing, and metal workers, and by the unemployed.

Newspapers in 1999 reported an "unauthorized rally" by thousands of workers over the Government's labor policies and the poor economy. Instances of late or partial pay for government workers reportedly are common.

There are no known affiliations with international labor organizations.

*b. The Right to Organize and Bargain Collectively.*—Workers do not have the right to organize independently and negotiate collective bargaining agreements. No information is available on mechanisms used to set wages. It is not known whether labor legislation and practice in the export processing zones differ from the law and practice in the rest of the country.

*c. Prohibition of Forced or Compulsory Labor.*—The Penal Code provides that the Government may require any person who does not have work to take suitable employment; however, this does not appear to be enforced regularly. This provision has been criticized frequently by the International Labor Organization (ILO) as contravening ILO Convention 29 on forced labor. There is no information available on the Government's policy on forced and bonded labor by children.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The Labor Law prohibits employment of minors under 15 years of age and places special restrictions on the employment of minors under age 18. Education is compulsory until age 11. The law permits children to work in agriculture, domestic service, and some small businesses. By law women and minors may not be employed in hard labor or, in general, night work. Information on the extent to which these regulations are enforced is not available. There is no information available on the Government's policy on forced and bonded labor by children (see Section 6.c.). A 1985 law provides for 3 months of paid maternity leave, and 2 half-hour periods per day for nursing mothers to feed their babies.

*e. Acceptable Conditions of Work.*—The Labor Code empowers the Supreme Labor Council to establish annual minimum wage levels for each industrial sector and region. It is not known if the minimum wages are adjusted annually or enforced. The Labor Code stipulates that the minimum wage should be sufficient to meet the living expenses of a family and should take inflation into account. Under current poor economic conditions, many middle-class citizens must work two or even three jobs to support their families. The daily minimum wage was raised in March 1997 to \$2.80 (8,500 rials). This wage apparently is not sufficient to provide a decent standard of living for a worker and family. Information on the percentage of the working population covered by minimum wage legislation is not available.

The Labor Code establishes a 6-day workweek of 48 hours maximum, with 1 weekly rest day, normally Fridays, and at least 12 days of paid annual leave and several paid public holidays.

According to the Labor Code, a Supreme Safety Council, chaired by the Labor Minister or his representative, is responsible for promoting workplace safety and health. The Council reportedly has issued 28 safety directives, and oversees the activities of 3,000 safety committees established in enterprises employing more than 10 persons. Labor organizations outside the country allege that hazardous work environments are common in Iran, and result in thousands of worker deaths per year. It is not known how well the Ministry's inspectors enforce regulations. It is not known whether workers may remove themselves from hazardous situations without risking the loss of employment.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

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## IRAQ

Political power in Iraq<sup>1</sup> lies exclusively in a repressive oneparty apparatus dominated by Saddam Hussein and members of his extended family. The provisional Constitution of 1968 stipulates that the Arab Ba'th Socialist Party governs Iraq through the Revolutionary Command Council (RCC), which exercises both executive and legislative authority. President Saddam Hussein, who is also Prime Minister, Chairman of the RCC, and Secretary General of the Regional Command of the Ba'th Party, wields decisive power. Saddam Hussein and his regime continued to refer to an October 1995 nondemocratic "referendum" on his presidency, in which he received 99.96 percent of the vote. This "referendum" included neither secret ballots nor opposing candidates, and many credible reports indicated that voters feared possible reprisal for a dissenting vote. Ethnically and linguistically the Iraqi population includes Arabs, Kurds, Turkomans, Assyrians, Yazidis, and Armenians. The religious mix is likewise varied and consists of Shi'a and Sunni Muslims (both Arab and Kurdish), Christians (including Chaldeans and Assyrians), Jews (most of whom have emigrated), and a small number of Mandaeans. Civil uprisings have occurred in recent years, especially in the north and the south. The Government has reacted with extreme repression against those who oppose or even question it. The judiciary is not independent, and the President may override any court decision.

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<sup>1</sup>The United States does not have diplomatic representation in Iraq. This report draws to a large extent on non-U.S. Government sources.

The Government's security apparatus includes militias attached to the President, the Ba'th Party, and the Interior Ministry. The security forces play a central role in maintaining the environment of intimidation and fear on which government power rests. Security forces committed widespread, serious, and systematic human rights abuses.

The Government owns all major industries and controls most of the highly centralized economy, which is based largely on oil production. The economy was damaged by the Iran-Iraq and Gulf Wars, and Iraq has been under U.N. sanctions since its 1990 invasion of Kuwait. Sanctions ban all exports, except oil sales, under U.N. Security Council Resolution 986 and subsequent resolutions (the "oil-for-food" program). Under the program, Iraq also is permitted, under U.N. control, to import food, medicine, supplies for water, sanitation, electricity, agricultural, and educational projects, and spare parts for the oil sector.

The Government's human rights record remained extremely poor. Citizens do not have the right to change their government. The Government continued to execute summarily perceived political opponents and leaders in the Shi'a religious community. Reports suggest that persons were executed merely because of their association with an opposition group or as part of a continuing effort to reduce prison populations. The Government continued to be responsible for disappearances and to kill and torture persons suspected of—or related to persons suspected of—economic crimes, military desertion, and a variety of other activities. Security forces routinely tortured, beat, raped, and otherwise abused detainees. Prison conditions are extremely poor. The authorities routinely used arbitrary arrest and detention, prolonged detention, and incommunicado detention, and continued to deny citizens the basic right to due process. The judiciary is not independent. The Government continued to infringe on citizens' privacy rights.

The Government restricts severely freedom of speech, press, assembly, association, religion, and movement. The U.N. Commission on Human Rights and the U.N. General Assembly passed resolutions in April and November respectively criticizing the Government's suppression of these freedoms. Human rights abuses remain difficult to document because of the Government's efforts to conceal the facts, including its prohibition on the establishment of independent human rights organizations, its persistent refusal to grant visits to human rights monitors, and its continued restrictions designed to prevent dissent. Denied entry to Iraq, the Special Rapporteur bases his reports on the Government's human rights abuses on interviews with recent emigres from Iraq, interviews with opposition groups and others that have contacts inside Iraq, and on published reports. Violence and discrimination against women occur. The Government has enacted laws affording a variety of protections to women; however, it is difficult to determine the practical effects of such protections. The Government neglects the health and nutritional needs of children, and discriminates against religious minorities and ethnic groups. The Government restricts severely trade union rights. Child labor persists, and there were instances of forced labor.

The Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK) have controlled most areas in the three northern provinces of Erbil, Duhok, and Sulaymaniah since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 Kurdish uprising. The KDP and the PUK fought one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The ceasefire has held; however, reunification measures have not been implemented. The KDP, PUK, and opposition groups committed human rights abuses. The PUK held municipal elections in February, the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—The Government committed numerous political and other extrajudicial killings. The Government has a long record of executing perceived opponents. The U.N. Special Rapporteur, the international media, and other groups all have reported a heightened number of summary executions in Iraq since 1997, assertions that are supported in detail by several sources in Iraq. The Special Rapporteur has stated that "the country is run through extrajudicial measures." The list of offenses requiring a mandatory death penalty has grown substantially in recent years and now includes anything that could be characterized as "sabotaging the national economy," including forgery, as well as smuggling cars, spare parts, material, heavy equipment, and machinery. The Spe-

cial Rapporteur also noted that membership in certain political parties is punishable by death, that there is a pervasive fear of death for any act or expression of dissent, and that there are recurrent reports of the use of the death penalty for such offenses as “insulting” the President or the Ba’th Party. “The mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty,” the Special Rapporteur stated. Government killings occurred with total impunity and without due process.

The regime periodically executed large numbers of political detainees en masse. During the year, the Special Rapporteur continued to receive reports referring to a “prison cleansing” execution campaign taking place in Abu Ghurayb, Radwanayah, and other prisons. Opposition groups, including the Supreme Council for the Islamic Revolution in Iraq (SCIRI), the Iraqi Communist Party (ICP), the Iraqi National Congress (INC), and others with a network inside the country provided detailed accounts of summary executions, including the names of hundreds of persons killed.

On three occasions in January and February, prison officials reportedly executed 91 prisoners at Abu Ghurayb; some of the prisoners were accused of theft, some were accused of trafficking in drugs, and some reportedly were affiliated with a political opposition group. According to opposition groups, prison officials reportedly executed 58 prisoners who were held in solitary confinement at Abu Ghurayb; 14 were charged with political crimes and 44 were charged with common crimes. According to the U.N. Special Rapporteur, Human Rights Watch (HRW), and the Center for Human Rights of the Iraqi Communist Party (ICP), the Government executed nearly 200 prisoners at Abu Ghurayb prison between October and December 1999. The prisoners were detained originally for their opposition activities against the Government.

The Government’s motive for such high numbers of summary executions—estimated at over 3,000 since 1997—may be linked to reported intimidation of the population and reduction of prison populations. As in previous years, there were numerous credible reports that the regime continued to execute persons thought to be involved in plotting against Saddam Hussein or the Ba’th Party. These executions included high-ranking civilian, military, and tribal leaders. For example, according to various opposition groups, government officials reportedly executed Republican Guard Brigadier General Abd al-Karim al-Dulaymi and between 25 and 38 other Republican Guard officers on suspicion of disloyalty during the year. According to Human Rights Watch, the Government executed four Special Security Forces officers, including staff Colonel Kadhim Jawad Ali and Ali Muhammad Salman. On December 28, 1999, the Government executed Captain Husayn Hashim Muhsin on suspicion of disclosing military information. On December 29, 1999, the Government executed by firing squad five members of the Republican Guard allegedly for participating in antigovernment activities.

Government agents targeted for killing family members of defectors. For example, government agents reportedly killed Safiyah Hassan who allegedly criticized publicly the Government for killing her husband and two sons, Hussein and Saddam Kamal. Her husband and sons had been senior government officials; however, the brothers defected to Jordan in 1996. The Government offered the men immunity if they returned to the country; however, upon their return government agents killed them and their father.

On June 3, the Government reportedly killed Jordanian citizen Dawud Sulayman al-Dalu and did not disclose information about the charges against him. According to the Iraqi National Party, government officials killed seven employees of the Central Computer Department in Baghdad because they allegedly purchased computer equipment from the UAE; the Government reportedly believed that the equipment would be used to send information abroad.

In October security forces reportedly beheaded a number of women suspected of prostitution and some men suspected of facilitating or covering up such activities (see Section 5). Security agents reportedly decapitated numerous women and men in front of their family members. According to Amnesty International (AI), the victim’s heads were displayed in front of their homes for several days. Thirty of the victims’ names reportedly were published, including three doctors and one medical assistant.

During the year, a former officer from the Mukhabarat reported that he participated in a 1998 mass murder at Abu Ghurayb prison following a Revolutionary Command Council directive to “clean out” the country’s prisons.

In 1998 and 1999, the Government killed a number of leading Shi’a clerics, prompting the former Special Rapporteur in 1999 to express his concern to the Government that the killings might be part of a systematic attack by government officials on the independent leadership of the Shi’a Muslim community. The Government had not responded to the Special Rapporteur’s letter by year’s end.

Observers attributed the August 1999 death of Iraq's chief architect Husam Bahnam Khuduri to poisoning. Although not widely used in recent years, the use of slow-acting poisons such as thallium (a radioactive substance that can be dissolved in drinking water) was a preferred method of political killings in the late 1980's and early 1990's. Khuduri reportedly had extensive knowledge about the construction of Saddam Hussein's palaces, tunnels, and bunkers. While the official obituary did not state a cause of death, acquaintances reported that Khuduri showed signs of being under the effect of a slow-acting poison several days before he died. Several weeks before Khuduri died, he was interviewed for a satirical documentary about the regime by French filmmaker Joel Solar; according to Solar, Khuduri appeared healthy during the interviews.

Reports of deaths due to poor prison conditions continued (see Section 1.c.). Many persons who were displaced forcibly still live in tent camps under harsh conditions, which also results in many deaths (see Sections 2.d. and 5).

The Government reportedly does not investigate political or extrajudicial killings, and no investigations were made into the hundreds of killings committed by security forces in 1999, or in killings from previous years.

As in previous years, the regime continued to deny the widespread killings of Kurds in the north of the country during the "Anfal" Campaign of 1988 (see Sections 1.b. and 1.g.). Both the Special Rapporteur and HRW have concluded that the Government's policies against the Kurds raise issues of crimes against humanity and violations of the 1948 Genocide Convention.

Political killings and terrorist actions continued in the Kurdcontrolled north of the country. For example, unknown persons killed the leader of the Democratic Nationalist Union of Kurdistan, Sirbit Mahmud. In July unknown assailants killed parliamentary deputy Osman Hassan. In July PUK forces killed 4 members of the Iraqi Communist Workers Party and KDP forces killed several members of the Turkoman Front.

In June 1999, the Assyrian International News Agency (AINA) reported that the partially decomposed body of Helena Aloun Sawa, an Assyrian woman who had been missing for a month, was discovered. AINA concluded that the murder "resembles a well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in the north. However, the KDP reported that there did not appear to be a "political or racial" motive. In June 1999, the KDP appointed a commission to further investigate the killing. No results of the investigation were reported by year's end.

*b. Disappearance.*—The Special Rapporteur continued to receive reports of widespread disappearances. The whereabouts of journalist and Baghdad professor, Hashem Hasan, who was arrested as he attempted to leave the country in September 1999, remained unknown at year's end (see Section 2.c.). The status of six members of the Assyrian community of Baghdad, arrested in October 1996, is unknown. Hundreds still are missing in the aftermath of the brief Iraqi military occupation of Erbil in August 1996. Many of these persons may have been killed surreptitiously late in 1997 and throughout 1998, in the reported "prison-cleansing" campaign (see Section 1.a.). Thirty-three members of the Yazidi community of Mosul, who were arrested in July 1996, still are unaccounted for. Sources inside the country reported the existence of special prison wards that hold individuals whose whereabouts, status, and fate is not disclosed (see Section 1.c.).

The Government continued to ignore the more than 16,000 cases conveyed to it in 1994 and 1995 by the United Nations, as well as requests from the Governments of Kuwait and Saudi Arabia on the whereabouts of those missing from Iraq's 1990–91 occupation of Kuwait, and from Iran on the whereabouts of prisoners of war that Iraq captured in the 1980–88 Iran-Iraq war. The majority of the 16,496 cases known to the Special Rapporteur are persons of Kurdish origin who disappeared during the 1988 Anfal Campaign. The Special Rapporteur estimated that the total number of Kurds who disappeared during that period could reach several tens of thousands. HRW estimates the total at between 70,000 and 150,000, and AI at more than 100,000. The second largest group of cases known to the Special Rapporteur consists of Shi'a Muslims who were reported to have disappeared in the late 1970's and early 1980's as their families were expelled to Iran due to their alleged Persian ancestry.

In 1997 and 1999, AI documented the repeated failure by the Government to respond to requests for information about persons who have disappeared. The report detailed unresolved cases dating from the early 1980's through the mid-1990's, particularly the disappearances of Aziz Al-Sayyid Jassem, Sayyid Muhammad Sadeq Muhammad Ridha Al-Qazwini, Mazin Abd Al-Munim AlSamarra'i, the six Al-Hashimi brothers, the four Al-Sheibani brothers, and numerous persons of Iranian descent or of the Shi'a branch of Islam. The report concludes that few of these victims became targets of the regime for any crime; rather, they were arrested and

held as hostages in order to force a relative, who may have escaped abroad, to surrender. Others were arrested due to their family's link to a political opponent or simply because of their ethnic origin (see Section 1.d.).

The Special Rapporteur and several human rights groups continued to request that the Government provide information about the 1991 arrest of the late Grand Ayatollah Abdul Qasim Al-Khoei and 108 of his associates. The Ayatollah died while under house arrest in Al-Najaf. Other individuals who were arrested with him have not been accounted for, and the Government refuses to respond to queries regarding their status. Similarly AI identified a number of Ayatollah Sadeq Al-Sadr's aides who were arrested in the weeks prior to his killing in February 1999 (see Sections 1.a., 1.d., and 1.g.). Their whereabouts remain unknown. In its November 1999 report, AI identified eight aides of Al-Sadr who disappeared.

The Government failed to return, or account for, a large number of Kuwaiti citizens and citizens of other countries who were detained during the Iraqi occupation of Kuwait. Government officials, including military leaders known to have been among the last to see the persons who disappeared during the occupation, have refused to respond to the hundreds of outstanding inquiries about the missing. Of 609 cases of missing Kuwaiti citizens under review by the Tripartite Commission on Gulf War Missing, only 3 have been resolved. The Government denies having any knowledge of the others and claims that any relevant records were lost in the aftermath of the Gulf War. In a December report to the U.N. Security Council, the U.N. Secretary General criticized the Government's refusal to cooperate with the United Nations on the issue of the missing Kuwaiti citizens. Iran reports that 5,000 Iranian prisoners from the IranIraq War are unaccounted for by Iraq.

In addition to the tens of thousands of reported disappearances, human rights groups reported during the year that the Government continued to hold thousands

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stated in August 1999 that he and his teammates were tortured on Uday Hussein's orders for not winning matches. These claims lend credence to previous similar reports.

KDP forces reportedly entered Assyrian villages on different occasions and beat villagers (see Section 2.d.). Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years (see Section 5).

Prison conditions are extremely poor. There reportedly are numerous official, semiofficial, and private prisons throughout the country. Overcrowding is a serious problem. In May 1998, Labor and Social Affairs Minister Abdul Hamid Aziz Sabah stated in an interview that "the prisons are filled to five times their capacity and the situation is serious." Sabah was dismissed from his post after the interview, and the government-owned daily newspaper Babel reiterated the Government's long-standing claim that it holds virtually no prisoners. It is unclear to what extent the mass executions committed pursuant to the "prison cleansing" campaign have reduced overcrowding (see Section 1.a.).

Certain prisons are infamous for routine mistreatment of prisoners. Abu Ghurayb, Baladiat, Makasib, Rashidiya, Radwanayah, and other prisons reportedly have torture chambers. There are numerous mentally ill prisoners at Al-Shamma'iya prison in Baghdad, which reportedly is the site of torture and a number of disappearances. The Al-Radwanayah detention center is a former prisoner-of-war facility near Baghdad and reportedly the site of torture as well as mass executions (see Section 1.a.). This prison was the principal detention center for persons arrested following the civil uprisings of 1991.

During the year, the Special Rapporteur reported receiving information about two detention facilities in which prisoners are locked in metal boxes the size of coffins that reportedly are opened for only 30 minutes each day. There also were reports that in Sijn al-Tarbout prison and Quortiyya prison, prisoners are fed only liquids. A multistory underground detention and torture center reportedly was built under the general military hospital building close to the Al-Rashid military camp on the outskirts of Baghdad. The Center for Human Rights of the Iraqi Communist Party stated that the complex includes torture and execution chambers. A section reportedly is reserved for prisoners in a "frozen" state—that is, those whose status, fate, or whereabouts are not disclosed.

Hundreds of Fayli (Shi'a) Kurds and other citizens of Iranian origin, who had disappeared in the early 1980's during the IranIraq war, reportedly are being held incommunicado at the Abu Ghurayb prison. According to a report received by the Special Rapporteur in 1998, such persons have been detained without charge for close to 2 decades in extremely harsh conditions. The report states that many of the detainees were used as subjects in the country's outlawed experimental chemical and biological weapons programs.

Reports of deaths due to poor conditions in prisons and detention facilities also continued during the year. The Iraqi Communist Party reported that 13 prisoners died at Makaseb detention center in December 1999 and January as a result of torture and poor prison conditions. The 13 prisoners reportedly were among the Shi'a detained in the aftermath of the protests following the February 1999 assassination of Sheik Al-Sadr (see Section 1.g.). In August the ICP reported that three political prisoners died from illnesses contracted in Abu Ghurayb prison. The prisoners reportedly were denied medical treatment.

The Government does not permit visits by human rights monitors.

Iraqi Kurdish regional officials reported that prisons in the three northern provinces were open to the International Committee for the Red Cross (ICRC) and other international monitors. According to the ICRC, regular and consistent improvement in conditions were observed on their weekly prison visits to declared prisons. However, both the PUK and the KDP reportedly maintain private, undeclared prisons, and both groups reportedly deny access to ICRC officials.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution and the Legal Code explicitly prohibit arbitrary arrest and detention; however, the authorities routinely engaged in these practices. The Special Rapporteur continued to receive reports of widespread arbitrary arrest and detention, often for long periods of time, without access to a lawyer or the courts. As indicated in the November 1999, AI report entitled, "Iraq: Victims of Systematic Repression," many thousands of persons have been arrested arbitrarily in recent years because of suspected opposition activities or because they are related to persons sought by the authorities. Those arrested often are taken away by plainclothes security agents who offer no explanation and produce no warrant to the person or family members (see Section 1.f.). The authorities deny detainees legal representation and visits by family members. In most cases, family members do not know the whereabouts of detainees and do not make inquiries due to fear of reprisal. Many persons are taken away in front of family

members who hear nothing further until days, months, or years later, when they are told to pick up the often-mutilated corpse of their relative. There also were reports of the widespread practice of holding family members and close associates responsible for the alleged actions of others (see Section 1.f.).

In April security forces reportedly arrested a number of Republican Guard and Special Security Forces personnel following what the Government claimed was a coup attempt.

Mass arbitrary arrests and detentions often occur in areas where antigovernment leaflets have been distributed. Other arrests have no apparent basis. For example, in July 1999, Ahlam Khadom Rammahi, a housewife who left Iraq in 1982, traveled from London using her British passport to visit her mother. Police arrested Rammahi on August 5, 1999. No reason was stated for the arrest, and government officials did not inform her family of her whereabouts. AI reported that Rammahi was released on September 1999 as a result of international pressure. She subsequently was able to rejoin her family in the United Kingdom.

According to international human rights groups, numerous foreigners arrested arbitrarily in previous years also remain in detention.

The Government reportedly targets the Shi'a Muslim community for arbitrary arrest and other abuses. Security forces arrested hundreds of persons in al-Najaf, Karbala, and the Shi'a section of Baghdad following an anonymous distribution of antigovernment leaflets. In the weeks preceding the February 1999 killing of Ayatollah Sadeq Al-Sadr and two of his sons, many of Al-Sadr's aides were arrested, and their whereabouts still were unknown at year's end (see Sections 1.a. and 1.g.). Hundreds more reportedly were arrested and the houses of many demolished in the weeks following the killing (see Section 1.g.).

Although no statistics are available, observers estimate the number of political detainees to be in the tens of thousands, some of whom have been held for decades.

The Government announced in June 1999 a general amnesty for Iraqis who had left the country illegally or were exiled officially for a specified period of time but failed to return after the period of exile expired (see Section 2.d.). No citizens are known to have returned to the country based upon this amnesty. An estimated 1 to 2 million self-exiled citizens reportedly remain fearful of returning to the country.

The PUK and the KDP reportedly hold approximately 500 political detainees in the north of the country. The KDP and PUK reached agreement for the mutual release of political prisoners in 1999. In March the KDP released 10 PUK prisoners and the PUK released 5 KDP prisoners (see Section 1.g.).

*e. Denial of Fair Public Trial.*—The judiciary is not independent, and there is no check on the President's power to override any court decision. In 1999 the Special Rapporteur and international human rights groups observed that the repressive nature of the political and legal systems precludes application of the rule of law. Numerous laws lend themselves to continued repression, and the Government uses extrajudicial methods to extract confessions or coerce cooperation with the regime.

There are two parallel judicial systems: The regular courts, which try common criminal offenses, and the special security courts, which generally try national security cases but also may try criminal cases. In addition to the Court of Appeal, there is the Court of Cassation, which is the highest court.

Special security courts have jurisdiction in all cases involving espionage and treason, peaceful political dissent, smuggling, currency exchange violations, and drug trafficking. According to the Special Rapporteur and other sources, military officers or civil servants with no legal training head these tribunals, which hear cases in secret. Authorities often hold defendants incommunicado and do not permit contact with lawyers. The courts admit confessions extracted by torture, which often serve as the basis for conviction. Many cases appear to end in summary execution, although defendants may appeal to the President for clemency. Saddam Hussein may grant clemency in any case that suits his political goals or personal predilection. There are no Shari'a (Islamic law) courts; however, regular courts are empowered to administer Islamic law in cases involving personal status, such as divorce and inheritance.

Procedures in the regular courts theoretically provide for many protections. However, the regime often assigns to the security courts cases that, on their legal merits, would appear to fall under the jurisdiction of the regular courts. Trials in the regular courts are public, and defendants are entitled to counsel, at government expense in the case of indigents. Defense lawyers have the right to review the charges and evidence brought against their clients. There is no jury system; panels of three judges try cases. Defendants have the right to appeal to the Court of Appeal and then to the Court of Cassation.

The Government shields certain groups from prosecution for alleged crimes. For example, a 1990 decree grants immunity to men who commit "honor crimes," a vio-

lent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct (see Section 5). A 1992 decree grants immunity from prosecution to members of the Ba'th Party and security forces who kill anyone while in pursuit of army deserters. Unconfirmed but widespread reports indicate that this decree has been applied to prevent trials or punishment of government officials. The PUK declared during the year that "honor crime" immunity would not apply in the area under its control.

It is difficult to estimate the number of political prisoners, because the Government rarely acknowledges arrests or imprisonments, and families are afraid to talk about arrests. Many of the tens of thousands of persons who disappeared or were killed in recent years originally were held as political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—The Government frequently infringed on citizens' constitutional right to privacy, particularly in cases allegedly involving national security. The law defines security offenses so broadly that authorities effectively are exempt from the legal requirement to obtain search warrants, and searches without warrants are commonplace. The regime routinely ignored constitutional provisions designed to protect the confidentiality of mail, telegraphic correspondence, and telephone conversations. The Government periodically jammed news broadcasts from outside the country, including those of opposition groups. The security services and the Ba'th Party maintain pervasive networks of informers to deter dissident activity and instill fear in the public.

In November 1999, the Government expelled more than 4,000 families that had sought refuge in Baghdad after the 1991 Gulf War.

In 1999 and previous years, the regime periodically sealed off entire districts in Kirkuk and conducted day-long, house-to-house searches, evidently as part of its "Arabization" campaign to harass and expel ethnic Kurds and Turkomans from the region (see Sections 2.d. and 5). Government officials also take hostage members of minority groups to intimidate their families into leaving their home regions (see Sections 1.d., 2.d., and 5).

The authorities continued systematically to hold family members and close associates responsible for the alleged actions of others (see Sections 1.a., 1.b., 1.d., and 1.g.). For example, former General Najib Al-Salahi, who fled to Jordan in 1995, reported that some of his relatives had been arrested and harassed since he left the country and criticized publicly the Government. In June General Al-Salahi reportedly received a videotape of security forces raping a female family member. He subsequently received a telephone call from an intelligence agent who stated that another female relative was being held and warned him to stop speaking out against the Government. The Special Rapporteur reported that security forces killed the mother of a prominent opposition leader.

In the past, the authorities demolished the houses and detained and executed family members of Shi'a who protested government actions (see Section 1.g.).

The Special Rapporteur noted that guilt by association is facilitated by administrative requirements imposed on relatives of deserters or other perceived opponents of the regime. For example, relatives who do not report deserters may lose their ration cards for purchasing government-controlled food supplies, be evicted from their residences, or face the arrest of other family members. The Supreme Council for the Islamic Revolution in Iraq reported in October and December 1999 that authorities denied food ration cards to families that failed to send their young sons to the "Lion Cubs of Saddam" compulsory weapons-training camps (see Section 5). Conscripts are required to secure a guarantor to sign a document stating that the named conscript would not desert military service and that the guarantor would accept personal responsibility if the conscript deserted.

The Special Security Office reportedly continued efforts to intimidate the relatives of opposition members. Relatives of citizens outside the country who were suspected of sympathizing with the opposition were forced to call the suspected opposition members to warn them against participating in opposition conferences or activities during the year.

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Following the February 1999 killing of Ayatollah Mohammad Sadeq Al-Sadr and his sons (see Section 1.a.), there were widespread reports of military assaults on protesters in areas of Baghdad heavily populated by Shi'a, and in cities with a Shi'a majority such as Karbala, Nasiriyah, Najaf, and Basra, in which hundreds of persons were killed. While a funeral for Al-Sadr was prohibited, spontaneous gatherings of mourners took place in the days after his death. Government security forces used excessive force in breaking up these illegal gatherings, killing hundreds of persons. For example, in the Shi'a district of Al-Thawra in Baghdad, a crowd of tens of thousands was attacked by government security forces using automatic weapons and armored vehicles. The attack resulted in the deaths of approximately

25 mourners (although estimates range up to 400) including, according to one report, the imam of the Al-Thawra mosque. According to Shi'a sources, martial law was declared throughout the region in reaction to the Al-Sadr killing.

Authorities continued to target alleged supporters of Al-Sadr during the year. In February security officials reportedly executed 30 religious school students who had been arrested after Al-Sadr's killing. In March numerous Shi'a who fled the country in 1999 and earlier in the year, told HRW that security forces interrogated, detained, and tortured them. In May six other students who were arrested following the killing were sentenced to death. It was unknown whether the death sentences had been carried out by year's end.

As a reprisal for the disturbances following Al-Sadr's killing, the Government expelled approximately 4,000 Shi'a families from Baghdad and sent them to the south and west in 1999 and during the year.

The Government continued to "Arabize" certain Kurdish areas, such as the urban centers of Kirkuk and Mosul, through the forced movement of local residents from their homes and villages and their replacement by Arabs from outside the area (see Sections 2.d. and 5).

Landmines in the north, mostly planted by the Government before 1991, continued to kill and maim civilians. Many of the mines were laid during the Iran-Iraq War; however, the army failed to clear them before it abandoned the area. The mines appear to have been planted haphazardly in civilian areas. Landmines also are a problem along the Iraq-Iran border throughout the central and southern areas in the country. There is no information on civilian casualties or the Government's efforts, if any, to clear old mine fields in areas under the central Government's control. According to reports by the U.N. Office of Project Services, the Mines Advisory Group, and Norwegian Peoples' Aid, over 3,000 persons have been killed by landmines in the three northern governorates since the 1991 uprising. The Special Rapporteur repeatedly has reminded the Government of its obligation under the Landmines Protocol to protect civilians from the effects of mines. Various non-governmental organizations (NGO's) continued efforts to remove landmines from the area and increase awareness of the mine problem among local residents.

In December 1998, the Government declared that mine-clearing activity was subversive and ordered NGO workers performing such activity to leave the country. In April 1999, a New Zealander working for the U.N. mine-clearing program in the north was shot and killed at close range by an unknown assailant. The KDP arrested a person who claimed to have killed the U.N. worker on behalf of Saddam Hussein's Fedayeen.

After the 1991 Gulf War, victims and eyewitnesses described war crimes perpetrated by the regime, including deliberate killing, torture, rape, pillage, and hostage-taking as directly related to the Gulf War. HRW and other organizations have worked with various governments to bring a genocide case at the International Court of Justice against the Government for its conduct of the Anfal campaign against the Kurds in 1988.

No hostilities were reported between the two major Iraqi Kurdish parties in de facto control of northern Iraq. The KDP and the PUK agreed in September 1998 to unify their administrations; however, little progress was made toward implementing the agreement. In October 1999, senior officials from the two parties agreed on a series of measures, including prisoner exchanges, the return of internally displaced persons (IDP's) to their homes, and arrangements for freedom of movement between their respective areas. Most of the measures were not implemented; however, the PUK and KDP conducted a small prisoner exchange in March (see Section 1.d.). In April the ICRC reported that IDP's on both sides still were living in tents or in open, unheated buildings (see Section 2.d.).

Armed hostilities and resulting deaths were reported between the KDP and the Iraqi Turkoman Front (ITF), the PUK and the IWCP, the PUK and the Kurdistan Workers Party (PKK), and the KDP and the PKK. There were a number of bomb attacks on civilian targets during the year in both the KDP- and PUK-controlled areas, which killed at least 12 persons.

KDP forces attacked the Erbil headquarters of the ITF in July, killing at least two persons and injuring several others. Tension between the KDP and the ITF had been building for months as the KDP leadership expressed frustration that the ITF failed to accept the KDP as the local authority. The ITF complained that the KDP interfered in its internal affairs.

In July the PUK reportedly ordered all opposition groups to move their offices out of Sulaymaniah's city center following a number of bombings; the IWCP reportedly refused to move. PUK security forces subsequently killed at least six IWCP members and arrested several others at an IWCP office in Sulaymaniah. PUK forces also killed several IWCP members who were inside a car. In connection with this dis-

pute, the PUK closed the IWCPaffiliated Independent Women's Organization and the Women's Protection Center in July and detained temporarily 12 women who had been staying at an abused women's shelter within the Center.

There were repeated military incursions by Turkish security forces into northern Iraq during the year. In late 1999, the Turkish airforce targeted PKK positions in both KDP and PUK controlled areas. In April, May, and August, Turkish troops again were deployed to the region. In one incident, Turkish troops killed 38 Kurdish civilians. In July the PUK attempted to push the PKK out of its territory and fighting ensued. Both the PKK and the PUK suffered a number of casualties. In December hundreds of Turkish troops were deployed to the region, threatening to intervene on the PUK's behalf. Subsequently, the PUK and the PKK declared a cease-fire.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press “in compliance with the revolutionary, national, and progressive trend;” however, in practice the Government does not permit freedom of speech or of the press, and does not tolerate political dissent in areas under its control. In November the U.N. General Assembly criticized the Government’s “suppression of freedom of thought, expression, information, association, and assembly.” The Special Rapporteur stated in October 1999 that citizens lived “in a climate of fear” in which whatever they said or did, particularly in the area of politics, involved “the risk of arrest and interrogation by the police or military intelligence.” He noted that “the mere suggestion that someone is not a supporter of the President carries the prospect of the death penalty.”

The Government and the Ba’th Party own all print and broadcast media, and operate them as propaganda outlets. They generally do not report opposing points of view that are expressed, either domestically or abroad. A 1999 Freedom House report rated Iraqi press freedom at 98 out of a possible 100 points, with 0 being the most free and 100 being the most controlled. Several statutes and decrees suppress freedom of speech and of the press, including: Revolutionary Command Council Decree Number 840 of 1986, which penalizes free expression and stipulates the death penalty for anyone insulting the President or other high government officials; Section 214 of the Penal Code, which prohibits singing a song likely to cause civil strife; and the 1968 Press Act, which prohibits the writing of articles on 12 specific subjects, including those detrimental to the President, the Revolutionary Command Council, and the Ba’th Party.

According to the Special Rapporteur, journalists are under continuous pressure to join the Ba’th party and must follow the mandates of the Iraqi Union of Journalists, headed by Uday Hussein. According to Iraqi sources, in 1999 Uday Hussein dismissed hundreds of union members who had not praised Saddam Hussein and the regime sufficiently or often enough (see Section 6.a.). In September 1999, journalist and Baghdad University professor Hashem Hasan was arrested after declining an appointment as editor of one of Uday Hussein’s publications. The Paris-based Reporters Sans Frontieres (RSF) sent a letter of appeal to Uday Hussein; however, Hassan’s fate and whereabouts remain unknown (see Section 1.b.).

The Ministry of Culture and Information periodically holds meetings at which they issue general guidelines for the press. Foreign journalists must work from offices located within the ministry building and are accompanied everywhere they go by ministry officers, who reportedly restrict their movements and make it impossible for them to interact freely with citizens. Many Western news services are represented in Baghdad by bureaucrats who are based in the Ministry of Culture and Information.

The Government regularly jams foreign news broadcasts (see Section 1.f.). Satellite dishes, modems, and fax machines are banned although some restrictions reportedly were lifted in 1999. Security forces reportedly raided homes of persons suspected of using satellite dishes during the year. In October the Ministry of Foreign Affairs notified all diplomatic missions and international organizations that they would need to obtain government approval before bringing “any technical apparatus” into the country. During the year, the Government opened five Internet cafes where persons are permitted to view websites provided by the Ministry of Culture and Information.

Books may be published only with the authorization of the Ministry of Culture and Information. The Ministry of Education often sends textbooks with proregime propaganda to Kurdish regions; however, Kurds routinely remove propaganda items from such textbooks.

The Government does not respect academic freedom and exercises strict control over academic publications. University staff are hired and fired depending on their support for the Government.

In the north, many independent newspapers have appeared over the past 8 years, as have opposition radio and television broadcasts. The absence of central authority permits significant freedom of expression, including criticism of the regional Kurdish authorities; however, most journalists are influenced or controlled by various political organizations. Satellite services and related equipment for telephone, fax, Internet, and television services are available. Although the rival Kurdish parties in the north, the PUK and KDP, state that full press freedom is allowed in areas under their respective control, in practice neither effectively permits distribution of the opposing group's newspapers and other literature.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government restricts this right in practice. Except in Kurdish-controlled northern areas, citizens legally may not assemble other than to express support for the regime. The Government regularly orchestrates crowds to demonstrate support for the regime and its policies through financial incentives for those who participate and threats of violence against those who do not. Widespread military and paramilitary attacks on persons who violated restrictions on peaceful assembly were reported throughout the year (see Section 1.g.).

The Constitution provides for freedom of association; however, the Government restricts this right in practice. The Government controls the establishment of political parties, regulates their internal affairs, and monitors their activities. New political parties must be based in Baghdad and are prohibited from having any ethnic or religious character. The political magazine *Alef-Be*, which is published by the Ministry of Culture and Information, reported in December 1999 that two political groups would not be permitted to form parties because they had an insufficient number of members. The magazine reprinted the conditions necessary to establish political parties, which include the requirement that a political group must have at least 150 members over the age of 25. A 1999 law also stipulates that new parties must “take pride” in the 1958 and 1968 revolutions, which created the republic and brought the Ba’th party to power. Several parties are outlawed specifically, and membership in them is a capital offense (see Section 3). A 1974 law prescribes the death penalty for anyone “infiltrating” the Ba’th Party.

In contrast, in the Kurdish-controlled north, numerous political parties and social and cultural organizations exist.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion; however, the Government severely restricts this right in practice. Islam is the official state religion.

The Ministry of Endowments and Religious Affairs monitors places of worship, appoints the clergy, approves the building and repair of all places of worship, and approves the publication of all religious literature.

Over 95 percent of the population are Muslim. The (predominantly Arab) Shi’a Muslims constitute a 60 to 65 percent majority, while Sunni Muslims make up 32 to 37 percent (approximately 18 to 20 percent are Sunni Kurds, 13 to 16 percent are Sunni Arabs, and the rest are Sunni Turkomans). The remaining approximately 5 percent consist of Christians (Assyrians, Chaldeans, Roman Catholics, and Armenian Orthodox), Yazidis, and a small number of Jews and Mandaeans.

The Government does not recognize political organizations that have been formed by Shi’a Muslims or Assyrian Christians. These groups continued to attract support despite their illegal status. There are religious qualifications for government office; candidates for the National Assembly, for example, “must believe in God” (see Section 3).

Although Shi’a Arabs are the largest religious group, Sunni Arabs traditionally have dominated economic and political life. Sunni Arabs are at a distinct advantage in all areas of secular life, including civil, political, military, and economic. Shi’a and Sunni Arabs are not distinct ethnically. Shi’a Arabs have supported an independent country alongside Sunni Arabs since the 1920 Revolt, many joined the Ba’th Party, and Shi’a formed the core of the army in the 1980–88 Iran–Iraq War.

The Government has for decades conducted a brutal campaign of murder, summary execution, and protracted arbitrary arrest against the religious leaders and followers of the majority Shi’a Muslim population. Despite nominal legal protection of religious equality, the regime has repressed severely the Shi’a clergy and those who follow the Shi’a faith. Forces from the Mukhabarat, General Security (Amn Al-Amm), the Military Bureau, Saddam’s Commandos (Fedayeen Saddam), and the Ba’th Party have killed senior Shi’a clerics, desecrated Shi’a mosques and holy sites (particularly in the aftermath of the 1991 civil uprising), arrested tens of thousands of Shi’a, interfered with Shi’a religious education, and prevented Shi’a adherents

from performing their religious rites. Security agents reportedly are stationed at all the major Shi'a mosques and shrines and search, harass, and arbitrarily arrest worshippers.

The following government restrictions on religious rights remained in effect during the year: Restrictions and outright bans on communal Friday prayer by Shi'a Muslims; restrictions on the loaning of books by Shi'a mosque libraries; a ban on the broadcast of Shi'a programs on government-controlled radio or television; a ban on the publication of Shi'a books, including prayer books and guides; a ban on funeral processions other than those organized by the Government; a ban on other Shi'a funeral observances such as gatherings for Koran reading; and the prohibition of certain processions and public meetings that commemorate Shi'a holy days. Shi'a groups report that they captured documents from the security services during the 1991 uprising, which listed thousands of forbidden Shi'a religious writings. Security forces reportedly still were encamped in the shrine to Imam Ali at Al-Najaf, one of Shi'a Islam's holiest sites, and at the former Shi'a theological school in Al-Najaf; security forces have been there since 1991.

In June 1999, several Shi'a opposition groups reported that the Government instituted a new program in the predominantly Shi'a districts of Baghdad that used food ration cards to restrict where individuals could pray. The ration cards, part of the U.N. oil-for-food program, reportedly are checked when the bearer enters a mosque and are printed with a notice of severe penalties for those who attempt to pray at an unauthorized location. Shi'a sources outside the country who reported this policy believe that it is aimed not only at preventing unauthorized religious gatherings of Shi'a, but at stopping Shi'a adherents from attending Friday prayers in Sunni mosques, to which many pious Shi'a have turned since the closure of their own mosques.

Shi'a groups reported numerous instances of religious scholars being subjected to arrest, assault, and harassment in the past several years, particularly in the internationally renowned Shi'a academic center of Najaf. This followed years of government manipulation of the Najaf theological schools. AI reported that the Government deported systematically tens of thousands of Shi'a (both Arabs and Kurds) to Iran in the late 1970's and early 1980's, on the basis that they were of Persian descent. According to Shi'a sources, religious scholars and Shi'a merchants who supported the schools financially, were prime targets for deportation. In the 1980's, during the IranIraq war, it was reported widely that the Government expelled and denied visas to thousands of foreign scholars who wished to study at Najaf. After the 1991 popular uprising, the Government relaxed some restrictions on Shi'a attending the schools, perhaps believing that this would reduce popular anger over the arrests and executions of religious leaders. However, the revival of the schools appears greatly to have exceeded the Government's expectations, and led to an increased government crackdown on the Shi'a religious establishment, including the requirement that speeches by imams in mosques be based upon government-provided material that attacked fundamentalist trends. A campaign of arrests in Mosul against fundamentalist trends was reported in September 1999.

Authorities continued to target alleged supporters of Al-Sadr during the year (see Sections 1.a. and 1.g.). Two months prior to the anniversary of Al-Sadr's killing, security forces were deployed around shrines, mosques, and other religious institutions, and mosques were closed except during prayer time. In February security officials reportedly executed 30 religious school students who had been arrested after Al-Sadr's killing. In May six other students who were arrested following Al-Sadr's killing were sentenced to death. It was unknown whether the death sentences had been carried out by year's end. As a reprisal for the disturbances following Al-Sadr's killing, the Government expelled approximately 4,000 Shi'a families from Baghdad and sent them to the south and west in 1999 and during the year.

The Government consistently politicizes and interferes with religious pilgrimages, both of Muslim citizens who wish to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims who travel to holy sites in the country (see Section 2.d.).

Approval procedures established by the U.N. Sanctions Committee require advance notification to regional air controllers and coalition military aircraft for flights undertaken for religious and humanitarian purposes that originate from and return to the country. In 1998 the U.N. Sanctions Committee offered to disburse vouchers for travel and expenses to pilgrims making the Hajj; however, the Government rejected this offer. In 1999 the Sanctions Committee offered to disburse funds to cover Hajj-related expenses via a neutral third party. The Government again rejected the opportunity. In both years, the Government insisted that these funds would be accepted only if they were paid in cash to the central bank. As a result, in both 1998 and 1999, no Iraqi pilgrims were able to take advantage of the available funds. Ac-

According to press reports, only 4,000 Iraqi pilgrims made the Hajj in 1999, despite the availability of 22,000 spaces.

In 1999 the Government flew several airplanes full of elderly Hajj pilgrims unannounced to Saudi Arabia.

Twice each year—on the 10th day of the Muslim month of Muharram and 40 days later in the month of Safar—Shi'a pilgrims from throughout the country and around the world travel to the Iraqi city of Karbala to commemorate the death there centuries ago of the Imam Hussein. The Government for several decades has interfered with these "Ashura" commemorations by preventing processions on foot into the city. In 1998 and 1999, violent incidents were reported between Iraqi pilgrims on one side and Ba'th party members and security forces enforcing the ban on the other. In May the Government prohibited persons from making the pilgrimage to Karbala. Security forces opened fire on persons who attempted to walk from Al-Najaf to Karbala (see Section 1.g.).

The Government also has sought to undermine the identity of minority Christian (Assyrian and Chaldean) and Yazidi groups.

The Special Rapporteur and others reported that the Government has engaged in various abuses against the country's 350,000 Assyrian and Chaldean Christians, especially in terms of forced movements from northern areas and repression of political rights (see Section 2.d.). Most Assyrians live in the northern governorates, and the Government often has accused them of collaborating with Iraqi Kurds. In the north, Kurdish groups often refer to Assyrians as Kurdish Christians. Military forces destroyed numerous Assyrian churches during the 1988 Anfal Campaign and reportedly tortured and executed many Assyrians. Both major Kurdish political parties have indicated that the Government occasionally targets Assyrians, as well as ethnic Kurds and Turkomans, in expulsions from Kirkuk in order to attempt to Arabize the city (see Section 2.d.).

The Government imposes some repressive measures on Yazidis (see Section 5). For example, 33 members of the Yazidi community of Mosul, arrested in July 1996, still are unaccounted for (see Section 1.b.).

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government restricts movement within the country of citizens and foreigners. Persons who enter sensitive border areas and numerous designated security zones are subject to arrest. Police checkpoints are common on major roads and highways.

The Government requires citizens to obtain specific government authorization and expensive exit visas for foreign travel. Citizens may not make more than two trips abroad annually. Before traveling abroad, citizens are required to post collateral, which is refundable only upon their return. There are restrictions on the amount of currency that may be taken out of the country. Women are not permitted to travel outside the country alone; male relatives must escort them (see Section 5). Prior to December 1999, every student who wished to travel abroad was required to provide a guarantor who would be liable if the student failed to return. In December 1999, authorities banned all travel for students (including those in grade school), cancelled spring and summer holidays, and enrolled students in compulsory military training and weapons-use courses.

In what appeared to be an effort to lure citizens living abroad back to the country, government radio announced in June 1999 an amnesty for teachers who left the country illegally after the Gulf War. Shortly thereafter the Revolutionary Command Council decreed a general amnesty for all citizens who either had left the country illegally or who had failed to return after the period of exile had expired (see Section 1.d.). The decree stated that "charges of illegal departure, forging official documents towards this purpose, and disrupting public duties that were pressed before the issuance of this decree shall be dropped effective immediately." In October 1999, Justice Minister Shabib Al-Maliki announced that authorities may seize assets belonging to Iraqis living outside the country who did not return in response to the amnesty decree. A special ministerial committee was formed to track and monitor Iraqis inside the country who received money from relatives living abroad.

A November 1999 law placed additional penalties on citizens who attempt to leave the country illegally. Under the law, a prison term of up to 10 years and "confiscation of movable and immovable property" is to be imposed on anyone who attempts to leave illegally. Similar penalties face anyone found to encourage or assist persons banned from travel, including health care professionals, engineers, and university professors. In January the director of the Real Estate Registration Department stated that pursuant to the decree, the Government confiscated the property of a number of persons.

The Government restricts foreign travel by journalists, authors, university professors, doctors, scientists, and all employees of the Ministry of Information. Security



authorities interrogate all media employees, journalists, and writers upon their return from foreign travel. In December 1999, Captain Ammar Yasir Mahyush and retired Major Jasim Muhsin Ala reportedly were executed for their attempt to flee the country in February 1999.

The Government consistently politicizes and interferes with religious pilgrimages, both of Muslim citizens who wish to make the Hajj to Mecca and Medina and of citizen and noncitizen Muslim pilgrims to holy sites in Iraq (see Section 2.c.).

Foreign spouses of citizens who have resided in the country for 5 years (1 year for spouses of government employees) are required to apply for naturalization as citizens. Many foreigners thus become subject to travel restrictions. The penalties for noncompliance include, but are not limited to, loss of the spouse's job, a substantial financial penalty, and repayment of any governmental educational expenses. The Government prevents many citizens who also hold citizenship in another country, especially the children of Iraqi fathers and foreign-born mothers, from visiting the country of their other nationality.

The U.N. Secretary General estimates that there are more than half a million IDPs remaining in the three northern provinces (Erbil, Dohuk, and Sulaymaniah), most of whom fled government-controlled areas in early 1991 during the uprising that followed the Gulf War. As reported by the Special Rapporteur, the Government continued its "Arabization" policy by discriminating against and forcibly relocating the non-Arab population, including Kurds, Turkomans, and Assyrians living in Kirkuk, Khanaqin, Sinjar, Makhmour, Tuz, Khoramatu, and other districts. Most observers view the policy as an attempt to decrease the proportion of non-Arab citizens in the oil-rich Kirkuk region, and thereby secure Arab demographic control of the area. For example, Kurdish grade school teachers and low-ranking civil servants are reassigned systematically outside of Kirkuk province, which has been renamed Al-Ta'mim ("Nationalization"). The Revolutionary Command Council has mandated that new housing and employment be created for Arab residents who have been resettled in Kirkuk, while new construction or renovation of Kurd-owned property reportedly is prohibited. Non-Arabs are not permitted to sell their homes, except to Arabs, nor register or inherit property. In contrast, in September the Ta'mim Voice newspaper reported that a significant sum of money would be made available to Arab citizens of Kirkuk to fund construction.

As part of the Arabization process, the Government continued to deport Kurdish and Turkoman families. Regional Kurdish authorities report that between January and June, 155 families (a total of 875 individuals) were expelled to the Kurdish-controlled north. The authorities estimate that since 1991, more than 94,000 persons have been displaced. Persons may avoid expulsion if they relinquish their Kurdish, Turkoman, or Assyrian identity and register as Arabs. Persons who refuse to relinquish their identity may have their assets expropriated and their ration cards withdrawn prior to being deported.

According to numerous deportees in the north, the Government generally uses a systematic procedure to evict and deport non-Arab citizens. Frequently, a security force official demands that a family change its ethnicity from Kurdish or Turkoman to Arab. Subsequently, security officials frequently arrest the head of household and tell the other family members that the person will be imprisoned until they agree to settle elsewhere in the country. Such families frequently choose to move to the north; family members must sign a form that states that the departure is voluntary and they are not allowed to take any property or their food ration cards issued under the U.N. oil-for-food program. The Government frequently transfers the family's house to an Arab Ba'th Party member.

Those expelled are not permitted to return. The Special Rapporteur reported in 1999 that citizens who provide employment, food or shelter to returning or newly arriving Kurds are subject to arrest. In order to encourage departure and prevent displaced persons from returning, the Government reportedly has placed landmines in the area around Kirkuk, and has declared it a military and security zone. Roads into the area are fortified with military checkpoints. The Government denies that it expels non-Arab families.

According to the U.N. High Commissioner for Refugees (UNHCR), hundreds of thousands of Iraqi refugees remain abroad. Apart from those suspected of sympathizing with Iran, most fled after the Government's suppression of the civil uprising of 1991; others are Kurds who fled during the Anfal Campaign of 1988. Of the 1.5 million refugees who fled following the 1991 uprisings, the great majority, particularly Kurds, have repatriated themselves to areas in the north, outside government control.

The Government does not provide first asylum or respect the rights of refugees. Approximately 12,000 Turkish Kurds who have fled civil strife in southeastern Turkey remain in northern areas controlled by the central Government. The

UNHCR is treating such displaced persons as refugees until it reaches an official determination of their status.

The KDP and PUK reiterated their September 1998 agreement to begin returning to their rightful homes the many thousands of persons that each had expelled as a result of intra-Kurdish fighting in the three northern provinces; however, little effort to implement the agreement took place during the year. In April the ICRC observed that the displaced persons in the north still were living in tents or in open, unheated public buildings (see Section 1.g.).

In August 1999, the KDP reportedly imposed a blockade on eight Assyrian villages near Aqra. ICRC monitors reportedly intervened on the villages' behalf, and the blockade subsequently was lifted. However, KDP forces reportedly reentered one of the villages a couple of days later, rounded up the villagers, and publicly beat two of them. AINA reported that a similar raid occurred in another village. The KDP denied that the blockade or village raids occurred.

*Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens do not have the right to change their government. The President wields power over all instruments of government. Almost all important officials either are members of Saddam Hussein's family or are family allies from his home town of Tikrit. Although the Government has taken steps to increase the perception of democracy, the political process still is controlled firmly by the State. The 1995 so-called referendum on Saddam Hussein's presidency was not free and was dismissed as a sham by most international observers. It included neither voter privacy nor opposing candidates, and many credible reports indicated that voters feared possible reprisal if they cast a dissenting vote. A total of 500 persons reportedly were arrested in Karbala, Baghdad, and Ramadi provinces for casting negative ballots, and a member of the intelligence services reportedly was executed for refusing to vote for the President.

There are strict qualifications for parliamentary candidates; by law the candidates for the National Assembly must be over 25 years old and "believe in God, the principles of the July 17-30 revolution, and socialism." Elections for the National Assembly were held in March; 220 of the 250 parliamentary seats were contested and the 30 remaining seats were filled by presidential appointees. Out of the 250 seats, 165 seats reportedly were won by members of the Ba'th Party, 55 by independents, and 30 were appointed by Saddam Hussein to represent the northern provinces. According to the Special Rapporteur, the Ba'th Party allegedly instructed a number of its members to run as nominally independent candidates.

Full political participation at the national level is restricted to members of the Arab Ba'th Socialist Party, who are estimated to constitute about 8 percent of the population. The political system is dominated by the Party, which governs through the Revolutionary Command Council (RCC). The council is headed by President Saddam Hussein. However, the RCC exercises both executive and legislative authority. The RCC dominates the National Assembly, which is completely subordinate to it and the executive branch.

Opposition political organizations are illegal and severely suppressed. Membership in certain political parties is punishable by death. In October security forces reportedly executed eight persons on charges of forming an opposition organization (see Sections 1.a. and 2.b.). In 1991 the RCC adopted a law that theoretically authorized the creation of political parties other than the Ba'th Party. However, in practice the law is used to prohibit parties that do not support the President and the Government. New parties must be based in Baghdad and are prohibited from having any ethnic or religious character. In 1999 various media published articles claiming that Saddam Hussein instructed officials in October 1999 to consider the formation of new political parties, a state council, and a new constitution. However, a Ministry of Culture and Information magazine later reported that the only two groups that attempted to form a party were refused for having an insufficient number of members.

The Government does not recognize the various political groupings and parties that have been formed by Shi'a Muslims, Kurds, Assyrians, Turkomans, or other communities. These political groups continued to attract support despite their illegal status.

Women and minorities are underrepresented in government and politics. The law provides for the election of women and minorities to the National Assembly; however, they have only token representation.

In the north of the country, all central government functions have been performed by local administrators, mainly Kurds, since the Government withdrew its military forces and civilian administrative personnel from the area after the 1991 uprising.

A regional parliament and local government administrators were elected in 1992. This parliament last met in May 1995. The two major Kurdish parties in de facto control of northern Iraq, the KDP and the PUK, battled one another from 1994 through 1997. In September 1998, they agreed to unify their separate administrations and to hold new elections in July 1999. The ceasefire has held; however, reunification measures were not implemented. The PUK held municipal elections in February, which were the first elections held in the Kurdish-controlled areas since 1992. Foreign and local election observers reported that the elections generally were fair.

*Section 4. Governmental Attitude Regarding International and Nongovernmental In-*

The Government states that it is committed to equality for women, who make up about 20 percent of the work force. It has enacted laws to protect women from exploitation in the workplace and from sexual harassment; to permit women to join the regular army, Popular Army, and police forces; and to equalize women's rights in divorce, land ownership, taxation, and suffrage. It is difficult to determine the extent to which these protections are afforded in practice. Women are not allowed to travel outside the country alone (see Section 2.d.).

There are several women's organizations in the PUK-controlled regions in the north.

*Children.*—The Government claims that it has enacted laws to make education for girls compulsory. No information is available on whether the Government has enacted specific legislation to promote the welfare of children. However, the Special Rapporteur and several human rights groups have collected a substantial body of evidence indicating the Government's continued disregard for the rights and welfare of children. The evidence allegedly includes government officials taking children from minority groups hostage in order to intimidate their families to leave cities and regions where the regime wishes to create a Sunni Arab majority (see Sections 1.d., 1.f., and 2.d.).

The Government's failure to comply with relevant U.N. Security Council resolutions has led to a continuation of economic sanctions. There were widespread reports that food and medicine that could have been made available to the general public were stockpiled in warehouses rather than ordered, or diverted for the personal use of some officials. The executive director of the U.N. office in charge of the oil-for-food program confirmed the insufficient placement of orders in a January letter to the Government, in which he expressed concern about the low rate of submission of applications in the health, education, water, sanitation, and oil sectors. He also stated that of the \$570 million worth of medicines and medical supplies that had arrived in Iraq through the oil-for-food program in 1998 and 1999, only 48 percent had been distributed to clinics, hospitals, and pharmacies.

The Government's management of the oil-for-food program did not take into account the special requirements of children between the ages of 1 and 5, despite the U.N. Secretary General's specific injunction that the Government modify its implementation procedures to address the needs of this vulnerable group. In 1999 UNICEF issued the results of the first surveys of child and maternal mortality in Iraq that have been conducted since 1991. The surveys were conducted between February and May 1999, in cooperation with the Government in the southern and central regions, and in cooperation with the local Kurdish authorities in the north. The surveys revealed that in the south and center parts of the country, home to 85 percent of the population, children under 5 years old are dying at more than twice the rate that they were a decade ago. In contrast mortality rates for children under 5 years old in the Kurdish-controlled north dropped in the period from 1994 to 1999. The Special Rapporteur criticized the Government for "letting innocent people suffer while [it] maneuvered to get sanctions lifted." Had the Government not waited 5 years to adopt the oil-for-food program in 1996, he stated in October 1999, "millions of innocent people would have avoided serious and prolonged suffering."

For the seventh year, the Government held 3-week training courses in weapons use, hand-to-hand fighting, rappelling from helicopters, and infantry tactics for children between 10 and 15 years of age. Camps for these "Saddam Cubs" operated throughout the country. Senior military officers who supervised the course noted that the children held up under the "physical and psychological strain" of training that lasted for as long as 14 hours each day. Sources in the Iraqi opposition report that the army found it difficult to recruit enough children to fill all of the vacancies in the program. Families reportedly were threatened with the loss of their food ration cards if they refused to enroll their children in the grueling course. The Supreme Council for the Islamic Revolution in Iraq reported in October 1999 that authorities were denying food ration cards to families that failed to send their young sons to Saddam Cubs compulsory weapons-training camps (see Section 1.f.). Similarly, authorities reportedly withheld school examination results to students unless they registered in the Fedayeen Saddam organization.

*People with Disabilities.*—No information is available on the Government's policy towards the disabled.

*Religious Minorities.*—The country's cultural, religious, and linguistic diversity is not reflected in its political and economic structure. Various segments of the Sunni Arab community, which itself constitutes a minority of the population, effectively have controlled the Government since independence in 1932. Shi'a Arabs, the religious majority of the population, have long been economically, politically, and socially disadvantaged. Like the Sunni Kurds and other ethnic and religious groups

in the north, the Shi'a Arabs of the south have been targeted for particular discrimination and abuse (see Section 2.c.).

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years.

Although few Jews remain in the country, government officials frequently make anti-Semitic statements. For example, during the year, a Ba'th Party official stated that the "lowly Jews ... are descendants of monkeys and pigs and worshippers of the infidel tyrant."

*National/Racial/Ethnic Minorities.*—Non-Arabs are denied equal access to employment, education, and physical security. Non-Arabs are not permitted to sell their homes except to Arabs, nor to register or inherit property. The Government continued to relocate forcibly the non-Arab population, including Kurds, Turkomans, and Assyrians living in Kirkuk, Sinjar, and other districts (see Sections 1.f. and 2.d.).

Assyrians and Chaldeans are considered by many to be a distinct ethnic group, as well as the descendants of some of the earliest Christian communities. These communities speak a different language (Syriac), preserve traditions of Christianity, and have a rich cultural and historical heritage that they trace back over 2,000 years. Although these groups do not define themselves as Arabs, the Government, without any historical basis, defines Assyrians and Chaldeans as such, evidently to encourage them to identify with the Sunni-Arab dominated regime (see Section 2.c.).

The Government does not permit education in languages other than Arabic and Kurdish. Public instruction in Syriac, which was announced under a 1972 decree, never has been implemented. Thus, in areas under government control, Assyrian and Chaldean children are not permitted to attend classes in Syriac. In areas of the north under Kurdish control, classes in Syriac have been permitted since the 1991 uprising against the Government. By October 1998, the first groups of students were ready to begin secondary school in Syriac in the north; however, some Assyrian sources reported that regional Kurdish authorities refused to allow the classes to begin. Details of this practice (for example, the number of students prepared to start secondary courses in Syriac and the towns where they were located) were not available, and Kurdish regional authorities denied that they engaged in such a practice. In November 1999, the Kurdistan Observer reported that the central Government had warned the administration in the Kurdish region against allowing Turkoman, Assyrian, or Yazidi minority schools.

Assyrian groups reported several instances of mob violence by Muslims against Christians in the north in recent years. Assyrians continue to fear attacks by the Kurdistan Workers Party (KWP), a Turkish-based terrorist organization that operates against indigenous Kurds in northern Iraq. The Christians reported feeling caught in the middle of intra-Kurdish fighting. Some Assyrian villagers reported being pressured to leave the countryside for the cities as part of a campaign by indigenous Kurdish forces to deny the PKK access to possible food supplies.

Many Assyrian groups reported a series of bombings in Erbil in 1998 and 1999. Although the bombings have not been linked to any particular faction or group, Assyrians believe that they are part of a terror campaign designed to intimidate them into leaving the north. The Assyrian Democratic Movement, the Assyrian Patriotic Party, and other groups have criticized the investigation into these incidents conducted by the Kurdistan Regional Government. There were no reported arrests by year's end.

In June 1999, the Assyrian National News Agency reported a "well-established pattern" of complicity by Kurdish authorities in attacks against Assyrian Christians in the north (see Section 1.a.).

The Constitution does not provide for a Yazidi identity. Many Yazidis consider themselves to be ethnically Kurdish, although some would define themselves as both religiously and ethnically distinct from Muslim Kurds. However, the Government, without any historical basis, has defined the Yazidis as Arabs. There is evidence that the Government has compelled this reidentification to encourage Yazidis to join in domestic military action against Muslim Kurds. Captured government documents included in a 1998 HRW report describe special all-Yazidi military detachments formed during the 1988–89 Anfal campaign to "pursue and attack" Muslim Kurds. The Government imposes the same repressive measures on Yazidis as on other groups (see Section 2.c.).

Citizens considered by the Government to be of Iranian origin must carry special identification and often are precluded from desirable employment. Over the years, the Government has deported hundreds of thousands of citizens of Iranian origin.

### Section 6. Worker Rights

*a. The Right of Association.*—Trade unions independent of government control do not exist. The Trade Union Organization Law of 1987 established the Iraqi General Federation of Trade Unions (IGFTU), a government-dominated trade union structure, as the sole legal trade federation. The IGFTU is linked to the Ba'th Party, which uses it to promote party principles and policies among union members.

Workers in private and mixed enterprises, but not public employees or workers in state enterprises, have the right to join local union committees. The committees are affiliated with individual trade unions, which in turn belong to the IGFTU.

In 1999 Uday Hussein reportedly dismissed hundreds of members of the Iraqi Union of Journalists for not praising Saddam Hussein and the regime sufficiently (see Section 2.a.). Also in 1999, Uday Hussein reportedly jailed at least four leaders of the Iraqi National Students Union for failing to carry out his orders to take action against students known for their criticism of the situation in the country.

The 1987 Labor Law restricts the right to strike. No strike has been reported over the past 2 decades. According to the International Confederation of Free Trade Unions, severe restrictions on the right to strike include penal sanctions.

The IGFTU is affiliated with the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—The right to bargain collectively is not recognized. Salaries for public sector workers (the majority of employed persons) are set by the Government. Wages in the much smaller private sector are set by employers or negotiated individually with workers. Government workers frequently are shifted from one job and work location to another to prevent them from forming close associations with other workers. The Labor Code does not protect workers from antiunion discrimination, a failure that has been criticized repeatedly by the Committee of Experts of the International Labor Organization (ILO).

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Compulsory labor theoretically is prohibited by law; however, the Penal Code mandates prison sentences, including compulsory labor, for civil servants and employees of state enterprises accused of breaches of labor "discipline," including resigning from a job. According to the ILO, foreign workers in Iraq have been prevented from terminating their employment to return to their native countries because of government-imposed penal sanctions on persons who do so. There is no information available on forced and bonded labor by children.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The employment of children under age 14 is prohibited, except in small-scale family enterprises. Children reportedly are encouraged increasingly to work in order to support their families because of the country's harsh economic conditions. The law stipulates that employees between the ages of 14 and 18 work fewer hours per week than adults. Each year the Government enrolls children as young as 10 years of age in a paramilitary training program (see Section 5). There is no information available on forced and bonded labor by children (see Section 6.c.).

*e. Acceptable Conditions of Work.*—There was no information available on minimum wages.

Theoretically, most workers in urban areas work a 6-day, 48-hour workweek. Hours for government employees are set by the head of each ministry. Working hours for agricultural workers vary according to individual employer-employee agreements. Occupational safety programs are in effect in state-run enterprises. Inspectors theoretically inspect private establishments, but enforcement varies widely. There is no information on workers' ability to remove themselves from work situations that endanger their health or safety, or on those who complain about such conditions.

*f. Trafficking in Persons.*—There was no information available on whether trafficking in persons is prohibited by law, or whether persons were trafficked to, from, within, or through the country.

## ISRAEL AND THE OCCUPIED TERRITORIES

Israel<sup>1</sup> is a parliamentary democracy with a multiparty system and free elections. There is no Constitution; a series of "basic laws" provide for fundamental rights. The legislature, or Knesset, has the power to dissolve the Government and limit the

<sup>1</sup>The human rights situation in the occupied territories is discussed in the annex appended to this report.

authority of the executive branch. Labor and One Israel party leader Ehud Barak was elected Prime Minister in May 1999 and took office in July 1999 at the head of a broad centrist coalition Government. On December 9, following the breakdown of his coalition, Barak resigned as Prime Minister; prime ministerial elections were scheduled to be held on February 6, 2001. The judiciary is independent.

Since its founding in 1948, Israel has been in a state of war with most of its Arab neighbors. It concluded a peace treaty with Egypt in 1979 and with Jordan in 1994, and a series of agreements with the Palestinians beginning in 1993. As a result of the 1967 war, Israel occupied the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. The international community does not recognize Israel's sovereignty over any part of the occupied territories. Throughout its existence, Israel has experienced numerous terrorist attacks.

An historic process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Israeli-Palestinian Declaration of Principles (DOP). In September 1995, Israel and the Palestine Liberation Organization (PLO) signed the Interim Agreement on the West Bank and the Gaza Strip. In January 1997, the parties concluded the Hebron Protocol and in October 1998, Israel and the PLO signed the Wye River Memorandum. In September 1999, the Israeli Government and the PLO signed the Sharm el-Sheikh Memorandum. The parties held intensive working-level talks between March and June and met at Camp David in July; however, the Government and the PLO did not reach an agreement. Internal security is the responsibility of the Israel Security Agency (the ISA—formerly the General Security Service, or GSS, and also known as Shin Bet, or Shabak), which is under the authority of the Prime Minister's office. The police are under the authority of the Minister of Internal Security. The Israel Defense Forces (IDF) are under the authority of a civilian Minister of Defense. The IDF includes a significant portion of the adult population on active duty or reserve status and plays a role in maintaining internal security. The Foreign Affairs and Defense Committee in the Knesset reviews the activities of the IDF and the ISA. Some members of the security forces committed serious human rights abuses.

Israel has an advanced industrial economy, and citizens enjoy a relatively high standard of living, with a per capita income of over \$17,000. Unemployment remained at about 9 percent during the year, but was substantially higher in the country's peripheral regions and among lower-skilled workers. The country's economic growth has been accompanied by an increase in income inequality. The long-standing gap in levels of income within the Jewish population and between Jewish and Arab citizens continues. The 14 towns with the highest unemployment rate in the country all are populated by Arab citizens. A heavy reliance on foreign workers, principally from Asia and Eastern Europe, is a source of social problems. Such workers generally are employed in agriculture and the construction industry and constitute about 6 percent of the labor force. Since the implementation of an economic stabilization plan in 1985, the country has moved gradually to reduce state intervention in the economy through privatization of several state-owned companies and through deregulation. State-owned companies continue to dominate such fields as electricity generation and transmission, oil refining, shipping, and international air travel. However, individuals generally are free to invest in private interests and to own property. The Government owns and manages 77 percent of the country's land area, and as a matter of policy it does not sell land. The Jewish National Fund (JNF), an organization established in 1897 for the purchase and management of land for the Jewish people, owns 8 percent of the country's land area, including a considerable amount transferred directly from the Government, and manages another 8 percent on behalf of the Government. Foreigners and citizens of all religions are allowed freely to purchase or lease the 7 percent of land not controlled by the Government or the JNF. In March the High Court of Justice ruled that the Government's use of the JNF to develop public land was discriminatory, since the JNF's statute prohibits the sale or lease of land to non-Jews.

The Government generally respects the human rights of its citizens; however, its record worsened late in the year regarding its treatment of non-Jewish citizens. Historically, Israel's main human rights problems have arisen from its policies and practices in the occupied territories and from its fight against terrorism. However, in October police used excessive force to disperse demonstrations in the north of the country that coincided with the outbreak of violence in the occupied territories, killing 13 Arab citizens and injuring over 300 (see Sections 1.a., 1.c., and 1.g. of the annex for a discussion of casualties in the occupied territories). There also are credible reports that police failed to protect Arab lives and property in several incidents in which Jewish citizens attacked the homes of Arab citizens. A landmark decision by the High Court of Justice in September 1999 prohibited the use of a variety of

abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Since the September 1999 ruling, domestic and international NGO's have been unable to substantiate sporadic allegations that security forces tortured detainees. There were numerous credible allegations that police beat persons in detention. Detention and prison conditions, particularly for Palestinian security detainees held in Israel do not provide inmates with sufficient living space, food, and access to medical care. Following the IDF withdrawal from its self-declared "security zone" in southern Lebanon in May and the concurrent collapse of the South Lebanon Army (SLA), all of the prisoners from the Al-Khiam prison in southern Lebanon, where Lebanese guards routinely committed abuses, were released. The Government continued to detain without charge Palestinians, some of them for lengthy periods; the number of such detainees increased following the outbreak of violence in September. In April an Israeli High Court ruling declared illegal the holding of Lebanese detainees as "bargaining chips" in Israeli prisons. Subsequently, authorities released 13 Lebanese prisoners, all of whom had been held without charge, or had already completed their terms. At year's end, there were approximately 20 Lebanese prisoners in custody, two of whom—Sheikh al-Karim Obeid and Mustafa Dirani—were held without charge. Legislation that would enable Obeid and Dirani to be held as "members of enemy forces not entitled to prisoner-of-war status" passed a first reading during the year. Following the outbreak of violence in September, the Government detained without charge hundreds of persons in Israel, the West Bank, and Gaza, and imposed severe restrictions on the movement of persons and some restrictions on the movement of goods between Israel and the West Bank and Gaza and between cities in the West Bank and Gaza—i.e., closure, which has been in effect to varying extents since 1993 (see Section 2.d. of the annex).

The Government continued to fund shelters and crisis centers; however, violence and discrimination against women persists. Discrimination against the disabled persists. The Government made little headway in reducing institutionalized legal and societal discrimination against Israel's Christian, Muslim, and Druze citizens, who constitute just over 20 percent of the population, but do not share fully the rights provided to, and obligations imposed on, the country's Jewish citizens. Prior to October, the Government did not take tangible steps to improve the situation of the country's non-Jewish citizens, which was one of the main factors that contributed to large Israeli Arab demonstrations in October. The demonstrations and clashes between the police and Israeli Arabs brought renewed attention to the different treatment accorded to the Jewish and Arab sectors of the country. In October the Government approved a \$975 million economic assistance plan for Arab citizens to be phased in over 4 years; however, some human rights groups criticized the plan as inadequate. The Knesset did not approve the plan by year's end. Trafficking in women for the purpose of forced prostitution is a continuing problem. In June the Government passed a law that prohibits the trafficking of persons for the purpose of prostitution.

In early October, there were many instances of societal violence between Arab and Jewish citizens, which coincided with violent events in the country.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and other Extrajudicial Killing.*—There were no reports of political killings during the year.

In October police used excessive force to disperse demonstrations in the north of the country that coincided with the outbreak of violence in the occupied territories (see Sections 1.a., 1.c., and 2.b. of the annex), killing 13 Arab citizens and injuring 300 with a combination of live ammunition and rubber-coated steel bullets (see Sections 1.c. and 2.b.). Demonstrators did not have firearms; however, some demonstrators reportedly threw rocks and firebombs. International and domestic human rights groups assert that police used rubber-coated metal bullets and live ammunition against demonstrators who posed no imminent danger of death or serious injury to security forces or others.

On September 28, opposition leader Ariel Sharon visited the Temple Mount (Haram al-Sharif) in Jerusalem. On September 29, Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring about 200 (see Sections 1.a. and 1.c. of the annex). In response to this violence, Palestinians held demonstrations throughout the occupied territories and Israel. On October 1, Israeli Arab leaders called a gen-



eral strike, which received widespread support from Arab citizens, thousands of whom demonstrated throughout the country. On October 1, police used live ammunition and rubber-coated metal bullets to disperse demonstrations in Um-al-Fahem, killing two persons and injuring hundreds of others. On October 2, police killed six persons and injured numerous others during demonstrations in Jat, Nazareth, Arrabe, and Sakhnin. Police also used live ammunition and rubber bullets to disperse demonstrations in other towns and villages in the north of the country, injuring hundreds of demonstrators. On October 3, police killed three persons during demonstrations in Nazareth and Kfar Manda.

In October and November, coinciding with violence in Israel and the occupied territories, there were numerous violent incidents along the Israel-Lebanese border. On October 7, IDF personnel reportedly killed 2 persons and injured 25 during demonstrations along the border. On October 9, the IDF reportedly fired live ammunition on a group of about 500 Palestinian demonstrators who were throwing rocks and Molotov cocktails, and trying to cross the border into Israel; IDF personnel reportedly killed 1 person and injured 10.

On October 21, Prime Minister Barak proposed establishing a commission of examination to study the violence that occurred in early October. However, Israeli Arab leaders rejected Barak's offer and demanded that the Government establish a legal commission of inquiry, which would operate independently of the Government, have subpoena power, and automatically bestow immunity on anyone who testified before it. On November 8, in response to pressure from both Arab and Jewish citizens, Barak announced the establishment of the Legal Commission of Inquiry, which reportedly is to have considerable ability to collect information. The Commission is headed by a High Court justice, and its members include an Arab judge from a Nazareth court, and a professor from Tel Aviv University. In December the Legal Commission of Inquiry began its investigation; however, it did not reach any conclusions by year's end.

There also are credible reports that police failed to protect Arab lives and property in several incidents in which Jewish citizens attacked Arab citizens. On October 7, a group of about 200 Israeli Jews attacked Arab homes in Nazareth Illit (Upper Nazareth), including the home of an Arab Member of the Knesset. On October 8, a group of about 1,000 Israeli Jews attacked Arab homes in Nazareth. The attackers allegedly targeted Arab citizens due to their anger over the Hizballah kidnapping of three IDF soldiers and the attack on Joseph's Tomb in the West Bank in early October (see Sections 1.b. and 2.c. of the annex). Many of the Arabs exited their homes and attempted to defend themselves and their property (see Section 5). Police reportedly arrived at the scene late, did not take action beyond inserting themselves between the two groups, and fired live ammunition, rubber bullets, and tear gas at the Arab citizens. Two Israeli Arabs were killed and approximately 50 others were injured in these incidents. International and domestic human rights groups reported that the police were responsible for the deaths and injuries; however, some residents of Nazareth reported that some members of the Jewish crowd had firearms. Large crowds of Jews also attacked Arab homes, businesses, and two mosques in other areas of the country (see Sections 1.c. and 5). Arab protesters also attacked Jewish-owned businesses and at least one synagogue (see Sections 1.c. and 5).

During the year, 22 Israelis died and 244 were injured in terrorist attacks carried out by Palestinian groups or individuals in Israel and the occupied territories (also see Sections 1.a. and 1.c. of the annex). For example, on November 1, a car bomb in Jerusalem killed two Israelis and injured eleven others, including four children. Palestinian Islamic Jihad claimed responsibility for the attack. On November 22, a car bomb in Hadera killed three Israelis and injured 61. Palestinian Islamic Jihad also claimed responsibility for this attack.

*b. Disappearance.*—On October 10, Hizballah guerrillas kidnaped three IDF soldiers. At year's end, the soldiers were believed to be held in Lebanon.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Laws and administrative regulations prohibit the physical abuse of detainees; however, security forces sometimes abused Palestinians suspected of security offenses. A landmark decision by the High Court of Justice in September 1999 prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions ("Shabbeh"), sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Since the September 1999 ruling, domestic and international NGO's have been unable to substantiate sporadic allegations that security forces tortured detainees.

Prior to the High Court's 1999 decision, laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases. The head of the ISA was empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which included violent

shaking) while interrogating detainees. These practices often led to excesses. In November 1999, the Attorney General issued revised guidelines that denied blanket immunity from prosecution for interrogators; however, it remains theoretically possible that the State could decline to prosecute interrogators who used prohibited methods in cases of extreme urgency.

In October police used live ammunition and rubber-coated metal bullets to disperse demonstrators in the north of the country, killing 13 Arab citizens and injuring over 300 (see Sections 1.a. and 2.b.). Demonstrators reportedly did not have firearms; however, in some cases they reportedly threw rocks and firebombs. On October 1, police beat severely a woman who screamed at a police officer during a demonstration. The incident was videotaped and broadcast on domestic and international television.

There were numerous credible allegations from human rights groups that police beat persons in detention; reports of such beatings increased in October following demonstrations and the numerous subsequent police arrests of suspected or actual participants in the demonstrations (see Section 1.d.). For example, on October 26, police arrested an Arab citizen, Amneh Aqayleh, on suspicion of participating in demonstrations in Nazareth. Police brought Aqayleh to the Kishon detention center for interrogation where they reportedly beat him. Police also reportedly arrested and beat some Jewish demonstrators. For example, according to Amnesty International police arrested and beat Yoav Bar following a demonstration in Wadi Nisnas, breaking his hand, two of his ribs, and two of his teeth. According to Amnesty International, police also reportedly arrested and beat youths following demonstrations in the north of the country (see Section 1.d.).

According to local and international human rights NGO's, in some cases police reportedly delayed ambulances and medical personnel from entering Arab villages to treat persons who were injured during the clashes (see Section 2.d.). According to police officials, the streets often were too crowded and volatile for the ambulances to enter the villages safely. According to some observers, local leaders broadcast requests over mosque loudspeakers that demonstrators return home in order to clear the way for ambulances.

In early October, police failed to protect Arab lives and property when a group of approximately 1,000 Jewish citizens attacked Arab Israeli homes in Nazareth. Police fired live ammunition, rubber bullets, and tear gas at Arab citizens. Two persons were killed and 50 persons were injured (see Sections 1.a. and 5).

During the year, 244 Israelis were injured in terrorist attacks carried out by Palestinian groups or individuals in Israel and the occupied territories (see Sections 1.a. and 1.c. of the annex).

Conditions vary in incarceration facilities in Israel and the occupied territories, which are administered by the Israeli Prison Service (IPS), the IDF, or the national police. IPS prisons, which generally house Israeli citizens convicted of common crimes, usually provide inmates with sufficient living space, food, and access to medical care. In general, IPS inmates are not subject to physical abuse by guards, and prisoners receive basic necessities. Inmates receive mail, have television sets in their cells, and receive regular visits. Prisoners receive wages for prison work and benefits for good behavior. Many IPS prisons have drug treatment, educational, and recreational programs. The IPS established a national police unit to investigate allegations of offenses committed by guards, including complaints about the use of force against inmates.

Since the closure in 1995 of the main IDF detention camps in the occupied territories, all security detainees (i.e., those detained and held without charge by security forces) from the occupied territories who are held for more than a few days are transferred to facilities within Israel. During the year, security detainees usually were held in the IDF's Megiddo prison, in IPS facilities, and in special sections of police detention facilities. Prisoners incarcerated for security reasons are subject to a different regimen, even in IPS facilities. They often are denied privileges given to prisoners convicted on criminal charges such as furloughs and some family visits. According to the Government, security detainees may receive financial assistance from the Palestinian Authority (PA), food from their families, and medical supplies from the ICRC and other aid organizations. Security detainees include some minors. Detention facilities administered by the IDF are limited to male Palestinian detainees and are guarded by armed soldiers. The total number of Palestinian prisoners held by Israel, approximately 1,354 at the beginning of the year, reached 1,832 by year's end. The number of administrative detainees (held without charge or trial) was between 10 and 15 at year's end, including one Israeli Arab (see Section 1.d.). Under the terms of the Sharm el-Sheikh Memorandum, the Government released a total of 350 Palestinian security prisoners in 1999 (in addition to the 250 prisoners released in late 1998 pursuant to the Wye River Accords). On May 1, Palestinian

prisoners throughout the country began a hunger strike to protest prison conditions and their continued incarceration. Following negotiations with government and PA officials, the prisoners agreed to suspend the hunger strike on May 31. The Government agreed to remove prisoners from solitary confinement and to allow family members to visit inmates, and the prisoners agreed to refrain from planning terrorist attacks from prison.

Conditions at the Russian Compound, which is run by police and houses a combination of security and common prisoners and detainees in Jerusalem, were criticized in 1997 as “not fit to serve as lock-up” by High Court of Justice President Aharon Barak. Conditions in other IDF facilities have improved in some respects. For example, inmates are given more time for exercise outside their cells. Nevertheless, recreational facilities remain minimal, and there are strict limitations on family visits to detainees. Visits were prevented for long periods of time during closures.

Conditions at some national police detention facilities are poor. Such facilities are intended to hold criminal detainees prior to trial but often become *de facto* prisons. Those held include some security detainees and some persons who have been convicted and sentenced. Inmates in the national police detention facilities often are not accorded the same rights as prisoners in the IPS system. Moreover, conditions are worse in the separate facilities for security detainees maintained both in police facilities and in IPS prisons.

In 1996 the Government began a reform program for the country’s detention facilities. To date, there have been some improvements, including the opening of a model detention center near Netanya; however, problems, including dilapidation and overcrowding persist. The 1997 Arrest and Detention law provided for the right to live in conditions that would not harm the health or dignity of the detainee, access to adequate health care, the right to a bed for each detainee, and access to exercise and fresh air on a daily basis. The Government has made significant strides towards implementing this legislation, though problems remain.

Children’s rights groups have expressed particular concern over the separate sections of holding facilities set aside for the detention of children. Overcrowding, poor physical conditions, lack of social workers, and denial of visits by parents are among the key problems. In addition to some Israeli minors held in criminal cases, there are juveniles among Palestinian detainees. Children’s rights activists had recommended the construction of a separate detention facility for children, and after a prolonged legal battle, separate prison facilities were built for Arab and Jewish children.

All incarceration facilities are monitored regularly by various branches of the Government, by members of the Knesset, by the International Committee of the Red Cross (ICRC), and by human rights groups (see Section 1.d. of the annex).

In September 1999, the Government acknowledged that it trained, debriefed, and paid the salaries of the Lebanese administrators and staff of the Al-Khiam prison in southern Lebanon, where prisoners allegedly were tortured routinely. Following the IDF withdrawal from its self-declared “security zone” and the concurrent collapse of the SLA, all of the prisoners in Al-Khiam were released.

*d. Arbitrary Arrest, Detention, or Exile.*—The law prohibits arbitrary arrest of citizens, and the Government generally observes this prohibition. Defendants are considered innocent until proven guilty and have the right to writs of habeas corpus and other procedural safeguards. However, a 1979 law permits administrative, or preventive, detention (i.e., without charge or trial), which is used on occasion in security cases. In such cases, the Minister of Defense may issue a detention order for a maximum of 1 year, though such orders may be extended. Within 24 hours of issuance, detainees must appear before a district judge who may confirm, shorten, or overturn the order. If the order is confirmed, an automatic review takes place after 3 months. Detention orders were confirmed in all cases during the year. Detainees have the right to be represented by counsel and to appeal detention orders to the High Court of Justice; however, the security forces may delay notification of counsel with the consent of a judge. According to human rights groups and legal experts, there were cases in which a judge denied the Government’s request to delay notification of counsel. At detention hearings, the security forces may withhold evidence from defense lawyers on security grounds. The Government also may seek to renew administrative detention orders. However, the security services must “show cause” for continued detention, and, in some instances, individuals were released because the standard could not be met.

In felony cases and in ordinary security cases, a district court judge may postpone for 48 hours the notification of arrest to the detainee’s attorney. The postponement may be extended to 7 days by the Minister of Defense on national security grounds or by the police inspector general to conduct an investigation. Moreover, a judge may postpone notification for up to 15 days in national security cases.

The 1997 Arrest and Detention Law more narrowly defined the grounds for pre-trial detention in criminal and security cases and reduced to 24 hours the length of time a person may be held without charge; however, this law does not extend to administrative detention cases. Human rights groups allege abuse of detention orders in cases in which they assert that the accused did not pose a clear danger to society. Children's rights activists have recommended separate legislation to define when and how a child may be arrested and how long children may be detained. According to media reports and children's rights groups, during and following the violence in the north, police sometimes beat youths while arresting them (see Sections 1.c.).

Most of the protections afforded to Israelis are not extended to Palestinian detainees, who fall under the jurisdiction of military law even if they are detained in Israel. With IDF redeployment in the West Bank, detention centers there were closed in 1995. As a result, all Palestinian detainees held for longer than 1 or 2 days are incarcerated in Israel (see Section 1.d. of the annex).

Police arrested hundreds of persons mainly in the north of the country in connection with the demonstrations and disturbances that began in September; approximately two-thirds of the persons arrested were Arab citizens and about one-third were Jewish citizens. According to domestic and international human rights organizations, police continued to arrest Arab citizens whom they suspected of participating in the disturbances over a month after the demonstrations ended. On October 26, the Northern Police Commander announced to the press that his office compiled a list of hundreds of persons who participated in the demonstrations and that the police intended to arrest many of them. According to human rights organizations, police lacked any evidence against a significant number of Israeli Arabs that they arrested. There also were credible reports that police tricked some Israeli Arabs into confessing that they threw stones during demonstrations. Many of the persons arrested, including some minors, also reportedly were held without bail until the end of criminal proceedings against them. Several detainees brought appeals to the High Court of Justice; however, the Court upheld this practice on the grounds that calm had not yet returned to the country. According to Amnesty International, at least 10 Arab citizens detained in connection with the disturbances in October were denied access to counsel for up to 1 week.

In December for the first time since 1994, the Government placed an Israeli Arab, Jhasan Athamnah, in administrative detention where he was being held on secret evidence at year's end.

At year's end, the Government held 1,832 Palestinians in custody. Those held were a mixture of common prisoners, administrative detainees, and security detainees. The Government continues to deny the ICRC access to one Lebanese citizen, Mustafa Dirani (held without charge since 1994). The Government granted the ICRC access to Sheikh Obeid (held without charge since 1989) for the first time in December 1999, and allowed the ICRC four additional visits during the year. However, following the October kidnaping of IDF soldiers by Hizballah guerrillas (see Section 1.b.), the Government suspended ICRC access to Sheikh Obeid. In May 1998, the High Court of Justice ruled that the Government was entitled to continue holding them for use in a possible exchange of hostages to obtain the return of an Israeli who still may be held by hostile forces. The High Court's ruling stressed that national security needs took precedence over the detainees' individual rights under Israeli and international law. However, in April the High Court declared illegal the detention of individuals to be used as "bargaining chips;" the Government subsequently released 13 Lebanese prisoners. However, Obeid, Dirani, and approximately 18 other Lebanese prisoners remained in custody at year's end; the former are administrative detainees, and the latter have been charged and convicted of crimes. The Government claims that Obeid and Dirani are security threats and attempted to pass legislation that would allow the continued detention without charge of "members of enemy forces not entitled to prisoner-of-war status." The bill had passed a first reading by year's end. Two legal advisors to the Knesset criticized the bill, claiming that it contravened domestic and international laws.

Six Iraqis, held since they attempted to enter the country illegally from Jordan, were deported to Holland, Sweden, and Finland, where they obtained refugee status.

The law prohibits forced exile of citizens, and the Government respects this prohibition in practice.

*e. Denial of Fair Public Trial.*—The law provides for an independent judiciary, and the Government respects this provision. However, in the past the judiciary routinely acquiesced to the Government's position in security cases. The September 1999 landmark High Court of Justice decision barring the use of torture (see Section 1.c.) marked a major change in this practice, as did the April ruling prohibiting the

holding of detainees for use as “bargaining chips.” The judiciary generally provides citizens with a fair and efficient judicial process.

The judicial system is composed of civil, military, religious, labor relations, and administrative courts, with the High Court of Justice as the ultimate judicial authority. The High Court of Justice is both a court of first instance (in cases involving government action) and an appellate court (when it sits as the Supreme Court). Each of the cited courts, including the High Court of Justice, have appellate courts or jurisdictions.

The law provides for the right to a hearing with representation by counsel, and authorities observe this right in practice. A regional and national system of public defenders operated by the Ministry of Justice was inaugurated in 1996 and now employs about 700 attorneys through 5 regional offices. Under the system, economically disadvantaged persons who face sentences of 5 years or longer, and all persons who are accused of crimes with sentences of 10 years or longer receive mandatory legal representation. Judges also have discretionary power to appoint an attorney in all cases. Since the system was implemented, representation has increased to about 70 percent. All non-security trials are public except those in which the inter-

and northern Israel by roadside bombs, ambushes, and cross border attacks. Additionally 40 Israeli civilians were injured in shelling and cross border attacks.

On October 7, Hizballah launched shells on IDF positions in the Sha'ba farms area in the Golan Heights; no injuries reportedly resulted from the shelling. The shelling reportedly served as cover for the kidnaping of three IDF soldiers in the north (see Section 1.b.). In May Hizballah attacks in the north of Israel killed 1 person and injured 12. On October 20, IDF fire repulsed a cross border infiltration attempt by unidentified Lebanese insurgents; two were killed and the third was injured.

On November 26, Hizballah guerillas bombed an Israeli patrol station in the Sha'ba farms area, killing 1 IDF soldier. In October Hizballah guerillas kidnaped 3 Israeli soldiers on patrol in the north of Israel, demanding that the Israeli government release all remaining Lebanese detainees in Israeli prisons (see Section 1.b.). At year's end, the soldiers were believed to be held in Lebanon.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The law provides for freedom of the press, and the Government generally respects this right in practice. The law authorizes the Government to censor any material reported from Israel or the occupied territories regarded as sensitive on national security grounds. A censorship agreement signed in 1996 between the Government and media representatives continued the trend of liberalization of the Government's censorship regime. The agreement, which now applies to all media organizations in the country, provides that military censorship is to be applied only in cases involving national security issues that have a near certainty of harming the country's defense interests. All media organizations can appeal the censor's decision to the High Court of Justice. Moreover, a clause prohibits the military censor from shutting down a newspaper for censorship violations and from appealing a court judgement against it. News printed or broadcast abroad may be reported without the censor's review, which permits the media to run previously censored stories that have appeared in foreign sources. Emergency regulations prohibit persons from expressing support for illegal organizations. On occasion in the past, the Government has prosecuted persons for speaking or writing on behalf of terrorist groups. No such cases were filed during the year. During the year, there were reports that the military censor intervened in several cases related to national defense.

One Palestinian-owned newspaper is required to submit its entire contents, including advertising, to the military censor by 4:00 p.m. each day. The editor claims that this process caused his journalists to practice self-censorship. Journalists and professional journalist groups complained about limitations placed on their freedom of movement within the occupied territories, between the West Bank and Gaza, and between the occupied territories and Israel during the violent unrest in September (see Section 2.d.). One media organization reported that more than two dozen journalists were injured or harassed while covering events in the occupied territories in October and November (see Section 2.a. of the annex). On October 5, during a demonstration in Jaffa, demonstrators acting outside of government control assaulted a foreign camera crew, injuring several journalists and breaking three cameras.

Foreign journalists are required to sign an agreement to submit certain news stories and photographs for censorship; however, they rarely are challenged for not doing so.

Individuals, groups, and the press freely address public issues and criticize government policies and officials without reprisal. Laws prohibit hate speech and incitement to violence. All newspapers are privately owned and managed. Newspaper licenses are valid only for Israel; separate licenses are required to distribute publications in areas in the occupied territories still under Israel's authority. Sixteen daily newspapers are published in Israel. There are about 90 weekly local newspapers and more than 250 periodical publications.

Directed by a government appointee, the quasi-independent Israel Broadcast Authority (IBA) controls television Channel 1 and Kol Israel (Voice of Israel) radio, both major sources of news and information. The privately operated Channel 2, the country's first commercial television station, is operated by three franchise companies and supervised by the Second Television and Radio Authority, a public body that also supervises 14 private radio stations. There are five cable television companies that carry both domestic and international networks.

The Government continued to attempt to close down the estimated 150 pirate radio stations operating out of Israel and the West Bank.

The Government respects academic freedom.

*b. Freedom of Peaceful Assembly and Association.*—The law provides for the right of assembly, and the Government generally respects this provision in practice.

During the year, there were a number of peaceful demonstrations against withdrawal from the Golan Heights and for and against peace negotiations with the Palestinians.

In early October, thousands of Arab citizens throughout the country participated in demonstrations. In some cases demonstrators threw stones and Molotov cocktails. The demonstrators were reacting to events in Jerusalem, the West Bank, and Gaza, as well as against government and police discrimination against Arab citizens (see Section 5). Police killed 13 Arab citizens and injured over 300 others during demonstrations in several towns and villages in the north (see Sections 1.a. and 1.c.). Human rights groups noted that the only fatalities and serious injuries occurred in the north and criticized the Northern Police Commander for authorizing the use of excessive force.

The law provides for the right of association, and the Government generally respects this provision in practice. After the Hebron massacre in 1994, the Cabinet invoked the 1948 ordinance for the prevention of terror to ban the ultranationalist Kach and Kahane Chai organizations, a ban that remains in effect. The decision provides for imprisonment for anyone belonging to, or expressing support for, either organization.

*c. Freedom of Religion.*—The law provides for freedom of religion, and the Government generally respects this right. Approximately 80 percent of citizens are Jewish. Muslims, Christians, Druze, and members of other religions make up the remaining 20 percent. Each recognized religious community has legal authority over its members in matters of marriage and divorce. Secular courts have primacy over questions of inheritance, but parties, by mutual agreement, may bring cases to religious courts. Jewish and Druze families may ask for some family status matters, such as alimony and child custody in divorces, to be adjudicated in civil courts as an alternative to religious courts. Christians only may ask that child custody and child support be adjudicated in civil courts as an alternative to religious courts. Muslims have no recourse to civil courts in family-status matters. Legislation passed in 1996 allows the rabbinical courts to sanction either party who is not willing to grant a divorce.

Many citizens object to the Orthodox Jewish religious authorities' exclusive control over Jewish marriage, divorce, and burial. These authorities do not recognize marriages or conversions to Judaism performed in Israel by Conservative or Reform rabbis. These issues have been a source of serious controversy within society, particularly in recent years, as thousands of Jewish immigrants from the former Soviet Union have brought with them family members not recognized as Jewish by Orthodox authorities.

Many Jews who wish to be married in secular or non-Orthodox religious ceremonies do so abroad. The Ministry of Interior recognizes such marriages.

Under the Government's current interpretation and implementation of Jewish personal status law, a Jewish woman is not allowed to initiate divorce proceedings without her husband's consent; consequently there are hundreds of so-called "agunot" in the country who cannot remarry or have legitimate children because their husbands either have disappeared or refused to grant a divorce.

In August Prime Minister Barak announced his plans to "separate religion from politics" by promoting a "civil-social revolution" consisting of a number of measures including: Drafting a constitution, folding the Ministry of Religious Affairs into the Ministry of Justice, lifting restrictions on transportation during the Sabbath, allowing for some form of civil marriages, eliminating the nationality clause from identification cards, and introducing a new core curriculum in all state-funded schools. These proposals triggered a national debate on religion and society. By year's end, none of these proposed reforms had been implemented.

A January 1999 High Court ruling enabled Reform and Conservative rabbis to hold seats on the powerful municipal and religious councils. In 1998 the High Court ruled that draft exemptions for yeshiva students was illegal; however, it delayed implementation of the ruling several times and gave the Knesset until December 21 to pass legislation on the matter. On December 20, an 11-justice panel of the High Court rejected the Government's request for another extension; however, it stated that it would grant the IDF a "reasonable period" of time in which to implement the ruling.

The Government provides proportionally greater financial support to institutions in the Jewish sector compared with those in the non-Jewish sector, i.e., Muslim, Christian, and Druze. For example, only 2.4 percent of the Ministry of Religious Affairs budget for 1999 was allocated to the non-Jewish sector, although Muslims, Christians, and Druze constitute 20 percent of the population. In 1998 the High Court of Justice ruled that the budget allocation constituted "prima facie discrimination" but that the plaintiff's petition did not provide adequate information about the

religious needs of the various communities. The court refused to intervene in the budgetary process on the grounds that such action would invade the proper sphere of the legislature. However, during the year, the court ordered the Government to allocate resources equitably to cemeteries of the Jewish and Arab communities.

The status of a number of Christian organizations with representation in Israel heretofore has been defined by a collection of ad hoc arrangements with various government agencies. Several of these organizations seek to negotiate with the Government in an attempt to formalize their status.

Missionaries are allowed to proselytize, although the Church of Jesus Christ of Latter-Day Saints voluntarily refrains from doing so under an agreement with the Government. A 1977 anti-proselytizing law prohibits anyone from offering or receiving material benefits as an inducement to conversion; however, there have been no reports of its enforcement. On December 6, a law prohibiting some missionary activity and the dissemination of some missionary material passed a first reading in the Knesset.

Jehovah's Witnesses suffered verbal abuse, assaults, theft, and vandalism; however, they reported that the police response to their complaints improved significantly during the year.

The Government has recognized only Jewish holy places under the 1967 Protection of Holy Sites Law. The Government states that it also protects the holy sites of other faiths, and that it has provided funds for some holy sites of other faiths.

A group of more than 100 Orthodox, Conservative, and Reform women continued a long legal battle to hold women's prayer services at the Western Wall during the year. In May the High Court ruled that women may read from the Torah and wear prayer shawls at the Western Wall. Both legislators and the state prosecutor's office sought to overturn the ruling; however, they were not successful as of year's end.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for these rights, and the Government respects them in practice for citizens, except with regard to military or security zones or in instances where citizens may be confined by administrative order to their neighborhoods or villages. However, following the outbreak of violence in late September, the Government imposed some restrictions on the movement of persons within the country as well as between Israel, the West Bank and Gaza, and between cities inside the West Bank and Gaza (also see Section 2.d. of the annex). The Government continued to restrict the movements of two Jewish settlers living in the occupied territories who belonged to extremist Kach or Kahane Chai groups, through the use of administrative orders issued by the IDF central command (see Section 2.d. of the annex).

Citizens are free to travel abroad and to emigrate, provided they have no outstanding military obligations and are not restricted by administrative order. During the year, the Government generally continued to permit Muslim citizens to make the Hajj. However for security reasons, the Government imposes some restrictions on its Muslim citizens who perform the Hajj, including requiring that they be over the age of 30. The Government does not allow persons to return if they leave the country without formal permission. The Government justifies these restrictions on the grounds that Saudi Arabia remains officially at war with Israel and that travel to Saudi Arabia therefore is considered subject to security considerations.

The Government states that non-Jewish female citizens who marry non-citizen men may retain their citizenship. The Government also asserts that the male spouses of non-Jewish citizens may acquire citizenship under the family reunification program, except in cases where the man has a criminal record or is suspected of posing a threat to security. However, Christian, Muslim, or Druze women who have married men from Arab states or the West Bank and Gaza have complained about losing their Israeli citizenship and right to reenter Israel.

During the demonstrations and disturbances in late September, police reportedly closed roads and entrances to some Arab villages and cities around the country. According to human rights groups, police also sometimes delayed ambulances and medical personnel from entering Arab villages to treat persons who were injured during the clashes (see Section 1.c.). Journalists complained about limitations placed on their freedom of movement during the violence in Israel and the occupied territories (see Section 2.a.).

The Government welcomes Jewish immigrants, their Jewish or non-Jewish family members, and Jewish refugees, on whom it confers automatic citizenship and residence rights under the Law of Return. This law does not apply to non-Jews or to persons of Jewish descent who have converted to another faith. Other than the Law of Return and the family reunification statutes there is no immigration law that provides for immigration to the country, or for political asylum or refugee status. The law does allow individuals to live in the country as permanent residents.



The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government does not provide asylum to refugees from states with which the country remains in a state of war. The issue of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution. Six Iraqis who had been held in detention found asylum in Europe during the year (see Section 1.d.).

*Section 3. Respect for Political Rights: The Right of Citizens To Change Their Government*

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage for adult citizens. The last national elections were held in May 1999. On December 9, Ehud Barak resigned as Prime Minister; the next prime ministerial elections were scheduled to be held on February 6, 2001.

Israel is a parliamentary democracy with an active multiparty system in which a wide range of political views are represented. Relatively small parties, including those whose primary support is among Israeli Arabs, regularly win seats in the Knesset. Elections are by secret ballot.

There are no legal impediments to the participation of women and minorities in government; however, they are underrepresented. Women hold 15 of 120 Knesset seats, compared with 9 female members in the previous Knesset. There are 11 Arabs and 2 Druze in the Knesset; most represent parties that derive their support largely or entirely from the Arab community. Of the Knesset's 12 committees, 2 (including the Committee on the Status of Women) are chaired by a woman. There are two women in the Cabinet, but no Arab ministers. However, there is an Arab Deputy Foreign Minister. Four women, but no Arab or Druze citizens, serve on the 14-member High Court of Justice. During the year, the Government appointed an Arab to a 6-month term on the High Court; the Government did not renew his appointment at the end of his term.

*Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperate with investigations.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law prohibits discrimination on the basis of sex or marital status. The law also prohibits discrimination by both government and nongovernmental entities on the basis of race, religion, political beliefs, and age. Local human rights groups are concerned that these laws often are not enforced, either as a result of institutionalized discrimination, or because resources for implementing those laws, or mechanisms for their enforcement, sometimes are lacking.

*Women.*—Violence against women is a problem. There continued to be action, both in and out of Government, to reduce violence against women in Jewish and Arab communities. Funding to combat such violence increased significantly in 1998 and has remained level since. In 1998 the Government appointed a commission to address the subject of domestic violence; on the basis of the commission's recommendations, the Government allotted a supplementary budget allocation to combat domestic violence during the year. Groups that focus on domestic violence include a committee established by the Ministry of Labor and Social Affairs that includes Jewish and Arab NGO's as well as government representatives, and a coalition of human rights organizations; however, women's rights activists reported that most of the groups are funded privately. Twenty-three women were killed by their husbands or other male relatives during the year. According to one prominent women's group, between 150,000 and 200,000 women suffer from domestic violence each year, and some 7 percent of these are abused on a regular basis. According to women's organizations, approximately 2,800 women were assaulted sexually and approximately 1,200 were victims of incest during the year; about 44 percent of the women were under age 18. Only a small percentage of the victims complained to the police.

Arab human rights advocates also have formed a coalition to raise public awareness of so-called family "honor killings," a term commonly used for the murder of a female by a male relative for alleged misconduct. At least 5 of the 23 women killed during the year by male relatives were killed in family "honor" cases; families often attempt to cover up the cause of such deaths.

The Government provides partial funding for 12 shelters for battered women, including 1 exclusively for Arab women and 1 for ultra-Orthodox Jewish women.

Women's rights advocates consider this number inadequate. The Government also provides funding for 13 rape crisis centers. There are 25 domestic violence prevention and treatment centers, which mainly are funded privately.

According to the 1991 Domestic Violence Law, a district or magistrate court may prohibit access by violent family members to their property. Women's groups cooperate with legal and social service institutions to provide women's rights education. While sentences handed down to men convicted of rape have increased in recent years, women's rights activists argue that the penalties are not sufficiently harsh.

Unlike in past years, there were no reports that Jewish religious extremists attacked physically women whom they considered to be dressed immodestly in public.

Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed.

Trafficking in women has become a significant problem in recent years. According to recent studies, every year hundreds of women from the former Soviet Union are brought to Israel by well-organized criminal networks and forced to work illegally as prostitutes (see Section 6.f.).

In 1998 Israel adopted a comprehensive sexual harassment prevention law; since that time several prominent cases have increased public awareness of the issue. For example, in July the Government lifted the immunity of then Transportation Minister Yitzhak Mordecai following complaints that he had sexually harassed three women. As of July, the Civil Service Commission had received 55 complaints of sexual harassment in the Ministry of Defense.

Women's advocacy groups report that women routinely receive lower wages for comparable work, are promoted less often, and have fewer career opportunities than their male counterparts. Despite 1996 legislation that provides for class action suits and requires employers to provide equal pay for equal work, including important side benefits and allowances, women's rights advocates charged that deep gaps remained. For example, the wage gap between men and women for year-round, full-time employment is about 30 percent, and only 2 percent of women serve in positions of senior management in large companies. According to recent reports, 51 percent of doctoral students are women, but women compose only 23 percent of the senior faculty members at universities and only 9.5 percent of full professors.

Legislation in 1993, reinforced by a 1994 ruling of the High Court of Justice, has increased the percentage of women on the boards of government-owned companies. Women currently occupy 39 percent of director slots, up from 28.8 percent in 1997.

The adjudication of personal status law in the areas of marriage and divorce is left to religious courts, where Jewish and Muslim women are subject to restrictive interpretations of their rights (see Section 2.c.). Under personal status law, a Jewish woman is not allowed to initiate divorce proceedings without her husband's consent; consequently there are estimated to be thousands of so-called "agunot" who cannot remarry or have legitimate children because their husbands either have disappeared or have refused to grant a divorce.

The 1995 Rabbinical Courts Law allows rabbinical tribunals to impose sanctions on husbands who refuse to divorce wives who have ample grounds for divorce, such as abuse. However, in some cases rabbinical courts have failed to invoke these sanctions. In addition, there have been cases in which a wife has failed to agree to a divorce, but a husband has been allowed to remarry; this permission is not given to wives. Such imbalances have been used by husbands to extort concessions from their wives in return for agreeing to a divorce. Rabbinical courts also may exercise jurisdiction over and issue sanctions against non-Israeli persons present in Israel.

Religious law can be even more restrictive for Muslims: some Islamic law courts have held that Muslim women may not request a divorce, but that women may be forced to consent if a divorce is granted to a man.

Jewish women are subject to the military draft; however, they have been barred from combat positions. In 1997 the Knesset passed legislation that opens all military professions, including combat positions, to women; however, the legislation was not implemented by year's end. In response to a High Court of Justice ruling, the Israeli Air Force (IAF) since 1996 has permitted women to enter pilot training. At year's end, three women were operating as navigators in F-4's and F-16's and one woman was nearing completion of pilot training. Recent IAF rulings allow female flight surgeons to participate in combat rescue missions and permit women to serve as flight mechanics for combat helicopter patrols.

In March the Knesset passed the Equality of Women Law, which provides for equal rights for women in the workplace, the military, education, health, housing, and social welfare, and entitles women to protection from violence, sexual harassment, sexual exploitation, and trafficking (see Section 6.f.).

*Children.*—The Government is committed to the rights and welfare of children. However, in practice resources sometimes are insufficient, particularly with respect

to low-income families. Government spending is proportionally lower in predominantly Arab areas than in Jewish areas, which adversely affects children in Arab villages and cities. Education is compulsory to age 15, or until the child reaches the 10th grade, whichever comes first. Government ministries, children's rights groups, and members of the legislature often cooperate on children's rights issues. The Government provides an extensive health care program for children. There is a broad network of mother and child clinics, which provide prenatal care as well as post-natal follow-up.

The Government has legislated against sexual, physical, and psychological abuse of children and has mandated comprehensive reporting requirements. Although there has been a sharp increase in reported cases of child abuse in recent years, activists believe that this is largely due to increased awareness of the issue rather than a growing pattern of abuse. There are five shelters for children at risk. The Ministry of Justice formed a committee with police and NGO representatives that is attempting to assess the scope of child prostitution. Children's rights activists estimate that there may be several hundred prostitutes among the nation's children, and they warn that the phenomenon is unlikely to be eradicated until the social problems that give rise to it—including child abuse and schools that give up too readily on dropouts—are addressed.

NGO's in the field of children's welfare concentrate their efforts on public education, on promoting the concept of children's rights as citizens, on improving legal representation for minors, and on combating the problems of poverty, which are most notable for the Bedouin children of the south. There has been concern about the children of the country's growing population of foreign workers, many of whom reside in the country illegally. Children of such families, believed to number in the thousands, exist in a legal and social limbo, without access to schools or adequate health services.

Privately funded children's rights information centers have been established in some communities, and the Government assists in funding additional centers in other cities.

*People with Disabilities.*—The Government provides a range of benefits, including income maintenance, housing subsidies, and transportation support for disabled persons, who constitute about 10 percent of the population. Existing antidiscrimination laws do not prohibit discrimination based on disability, and these citizens continue to encounter difficulties in areas such as employment and housing. A law requiring access for the disabled to public buildings is not widely enforced. There is no law providing for access to public transportation for the disabled. A 1996 law extended disability assistance for deaf children from the age of 14 to maturity. Extended protests by disabled organizations 1999 led to an increase in government spending in support of the disabled.

During the year, the Government implemented a law seeking to rehabilitate and integrate the mentally disabled into the community; however, government discrimination against the mentally disabled remained a problem. According to the Ministry of Health, there are between 60,000 to 80,000 mentally disabled persons in the country; however, only 4 percent of the Ministry of Health's \$5 billion (20 billion NIS) budget is allocated for mental health services. Additionally, 80 percent of the mental health budget is allocated to psychiatric hospitals where less than 6,000 of the mentally disabled reside; the remaining tens of thousands of mentally disabled persons live on their own with little or no government support to help them integrate into the community.

*Religious Minorities.*—Tensions between secular and religious elements of society continued to grow during the year. The non-Orthodox Jewish community in particular has complained of discrimination and intolerance (see Section 2.c.).

Evangelical Christians, Jehovah's Witnesses, and Reform and Conservative Jews complained of incidents of harassment, threats, and vandalism directed against their buildings, and other facilities, many of which were committed by two ultraorthodox groups Yad L'Achim and Lev L'Achim. In civic areas where religion is a determining criterion, such as the religious courts and centers of education, non-Jewish institutions routinely receive less state support than their Jewish counterparts.

During the demonstrations and disturbances in October, there were several incidents involving attacks on synagogues and mosques. In October Arab protesters attacked a synagogue in Shafar'am. Jewish protesters attacked mosques in Acco and Tiberias.

*National/Racial/Ethnic Minorities.*—The Government does not provide Israeli Arabs, who constitute approximately 20 percent of the population, with the same quality of education, housing, employment, and social services as Jews. In addition, government spending is proportionally far lower in predominantly Arab areas than

in Jewish areas; on a per capita basis, the Government spends two-thirds as much for Arabs than for Jews. According to the National Insurance Institute, 42 percent of Israeli Arabs live below the poverty line, compared with 20 percent of the total population. The Government also follows a disproportionately restrictive policy on issuing building permits to Arab citizens, resulting in the issuance of proportionately more building demolition orders against Arab-built structures. Ministers in the Barak Government publicly acknowledged the continuing disparities in government funding for Israel's non-Jewish citizens. Following the demonstrations and disturbances in September and October (see Sections 1.a. and 1.c.), the Government approved a \$975 million (4 billion NIS) economic assistance plan for the country's Arab citizens to be phased in over 4 years. Most of the money included in the plan is allocated for education and new infrastructure development. Israeli Arab leaders and human rights groups criticized the plan because it was not based on a comprehensive survey of the economic and development needs of the country's Arab population and was considered inadequate to meet that population's needs. Critics also pointed out that only half of the total sum represented newly allocated money. The Government did not implement the plan by year's end, and according to newspaper reports, the Government's 2001 budget proposal did not include details about funding for the plan.

The Government appointed an Arab citizen to the board of the Israel Land Authority in November 1999. This marked the first representation of non-Jews on this body, half of whose members represent organizations forbidden by statute to transfer land to non-Jews. In March the High Court of Justice ruled on an October 1995 petition brought by an Arab couple that was barred from buying a home in Katzir, a Jewish municipality, which was built on state-owned land. The High Court ruled that the Government's use of the Jewish National Fund to develop public land was discriminatory, since the fund's by-laws prohibit the sale or lease of land to non-Jews. The High Court noted that its ruling in the case would not affect previous land allocations and that differentiating between Jews and non-Jews in land allocation might be acceptable under unspecified "special circumstances." Following the High Court's decision, the Government established an interministerial committee to examine the issues involved in implementing the decision. The Israel Lands Administration had not implemented the ruling in this case by year's end and the Ka'adan family still was not allocated a plot of land in Katzir. Israeli Arab organizations have challenged the 1996 "Master Plan for the Northern Areas of Israel," which listed as priority goals increasing the Galilee's Jewish population and blocking the territorial contiguity of Arab villages and towns, on the grounds that it discriminates against Arab citizens; the Government continues to use this document for planning in the Galilee.

Relative to their numbers, Israeli Arabs are underrepresented in the student bodies and faculties of most universities and in higher level professional and business ranks. Arabs constitute only 8.7 percent of the students at major universities in the country. Well-educated Arabs often are unable to find jobs commensurate with their level of education. Arab citizens hold only 50 of the country's 5,000 university faculty positions. The Government states that it is committed to granting equal and fair conditions to Israeli Arabs, particularly in the areas of education, housing, and employment. A small number of Israeli Arabs have risen to responsible positions in the civil service, generally in the Arab departments of government ministries. In 1994 a civil service commission began a 3-year affirmative action program to expand that number, but it has had only modest results. Arab citizens compose 6.2 percent of the civil service and less than 2 percent of the positions in the four senior-most civil service grades. In 2000, the Government announced a new affirmative action program to increase the number of Arab citizens in the civil service and in the four senior-most civil service grades. The Government also announced a new affirmative action program to increase the number of Arab citizens in the civil service and in the four senior-most civil service grades. The Government also announced a new affirmative action program to increase the number of Arab citizens in the civil service and in the four senior-most civil service grades.

that 40 percent of employment ads in one weekend newspaper listed "army service necessary." Jobs included ice cream sales, typist, bus driver, and customer service.

There are approximately 130,000 Bedouin in the Negev; of this number about half live in 7 state planned communities and the other half live in 45 settlements that are not recognized by the Government. The recognized Bedouin villages receive basic services from the Government; however, they are among the poorest communities in the country. The unrecognized villages were declared illegal by the National Planning and Building Law of 1965 when the lands on which they sit were rezoned as nonresidential and the Government claimed ownership. According to the Government, recognizing these villages would conflict with its attempts to establish new villages in "an orderly manner, and would leave disputes over the land unresolved." Residents of the unrecognized villages pay taxes to the Government; however, they are not eligible for government services. Consequently, such villages have none of the infrastructure, such as electricity, water, and sewers, provided to recognized communities. The lack of basic services has caused difficulties for the villagers in regard to their education, health care, and employment opportunities. New building in the unrecognized villages is considered illegal and subject to demolition. Private efforts have supplied some unrecognized villages with water, and the courts have ordered the provision of limited health and education services. The Government has yet to fulfill its commitment to resolve the legal status of unrecognized Arab villages. Eight villages have been recognized officially since 1994, but nearly 100 more, of varying size and with a total population of nearly 70,000 persons, remain in limbo. Of the eight villages that have been recognized, the Government has yet to actually implement the decisions. In 1998 the High Court of Justice ordered the Ministry of Education to provide electricity to schools in several unrecognized villages in the Negev. In March 1999, the High Court ordered the Ministry of Health to provide within 2 months six permanent health clinics to serve the unrecognized villages; however, the clinics had not been built by year's end. In November the High Court ruled that the Government must build a school for the children in the unrecognized village of Beer Hadaaj within 4 months. During the year, the Ministry of Interior and the Attorney General declared that residents of Husseinyia, an unrecognized village, could list their village's name as their place of residence on their identification cards.

Arab children make up about a quarter of the public school population, but Government resources for them are less than proportionate to those for Jewish children. Many schools in Arab communities are dilapidated and overcrowded, lack special education services and counselors, have poor libraries, and have no sports facilities. According to a report issued during the year, only 54 percent of Arab students finish high school compared with 89 percent of Jewish students. According to 1998 statistics, 58 percent of the teachers in Jewish schools had university degrees compared with 39 percent of the teachers in Arab schools. The disparity in government resources for education also affects Bedouin children from the unrecognized villages. Currently, preschool attendance for Bedouin children is the lowest in the country, and the dropout rate for Bedouin high school students is the highest. Arab groups also note that the public school curriculum stresses Israel's Jewish culture and heritage.

Israeli Arab students also are not eligible to participate in a special education program to provide academic assistance to students from disadvantaged backgrounds. A petition was filed with the High Court of Justice in May 1997 charging that the Ministry of Education's refusal to provide this program to Israeli Arab students was discriminatory. The Attorney General's office agreed that the policy constituted impermissible discrimination but asked for 5 years to expand the program to Israeli Arab students. The petitioners rejected this proposal as being too slow. The court held hearings in the case twice in 1999; however, it still had not ruled on the proper implementation period by year's end.

Unresolved problems of many years' standing also include claims by Arab groups that land expropriation for public use has affected the Arab community disproportionately; that Arabs have been allowed too little input in planning decisions that affect their schools and municipalities; that mosques and cemeteries belonging to the Islamic Waqf (religious endowment) have been neglected or expropriated unjustly for public use; and that successive governments have blocked the return to their homes of citizens displaced in the early years of the country's history. The Government has yet to agree with the pre-1948 residents of the northern villages of Bir Am and Ikrit, and their descendants, regarding their long-term demand to be allowed to rebuild their houses. In 1997 a special interministerial panel recommended that the Government allow the villagers to return to Bir Am and Ikrit. The High Court has granted the Government several extensions for implementing the recommendation, including 2 extensions during the year. The Government stat-

ed that a special interministerial panel currently is examining economic aspects of the issue.

In early October, there were many instances of societal violence between Arab and Jewish citizens which coincided with violent events in Israel and the occupied territories (see Sections 1.a., 1.c., and the annex). For example, on October 3, an Israeli Arab shot and killed an Israeli Jew on a road in the north of the country. On October 7, a group of about 200 Israeli Jews attacked Arab Israeli homes in predominantly Jewish Upper Nazareth. On October 8, a group of about 1,000 Israeli Jews attacked Arab Israeli homes in Nazareth. Two persons were killed and approximately 50 persons were injured in these attacks (see Sections 1.a. and 1.c.). Jewish citizens also attacked Arab homes, businesses that employed Arabs, and two mosques in other areas of the country. During the October disturbances, Arab protesters also attacked Jewish-owned businesses throughout the country, and in at least one case Arab crowds attacked a synagogue.

In 1991 the Government launched Operation Solomon, which airlifted 14,000 Ethiopian immigrants to the country. There were occasional reports of societal discrimination during the year.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers may join and establish labor organizations freely. Most unions belong to Histadrut (the General Federation of Labor in Israel), or to a much smaller rival federation, the Histadrut Haovdim Haleumit (National Federation of Labor). These organizations are independent of the Government. Histadrut members democratically elect national and local officers, and officials of its affiliated women's organization Na'amat, from political party lists of those already in the union. Plant or enterprise committee members are elected individually. About 650,000 workers are members of Histadrut, and much of the non-Histadrut work force is covered by Histadrut's collective bargaining agreements.

The right to strike is exercised regularly. Unions must provide 15 days' notice prior to a strike unless otherwise specified in the collective bargaining agreement. However, unauthorized strikes occur. Strike leaders—even those organizing illegal strikes—are protected by law. If essential public services are affected, the Government may appeal to labor courts for back-to-work orders while the parties continue negotiations. There were a number of strikes in both the public and private sectors during the year by employees protesting the effects of privatization. Worker dismissals and the terms of severance arrangements often were the central issues of dispute.

Palestinians from the West Bank and Gaza Strip who worked in Israel were not able to join Israeli trade unions or organize their own unions in Israel. Palestinian trade unions in the occupied territories are not permitted to conduct activities in Israel (see Section 6.a. of the annex). However, nonresident workers in the organized sector are entitled to the protection of Histadrut work contracts and grievance procedures. They may join, vote for, and be elected to shop-level workers' committees if their numbers in individual establishments exceed a minimum threshold. Palestinian participation in such committees is minimal.

Labor laws apply to Palestinians in East Jerusalem and to the Syrian Druze living on the Golan Heights.

Unions are free to affiliate with international organizations.

*b. The Right to Organize and Bargain Collectively.*—Citizen workers fully exercise their legal rights to organize and bargain collectively. While there is no law specifically prohibiting antiunion discrimination, the law against discrimination could be cited to contest discrimination based on union membership. No antiunion discrimination has been reported.

Nonresident workers may not organize their own unions or engage in collective bargaining, but they are entitled to be represented by the bargaining agent and protected by collective bargaining agreements. They do not pay union membership fees, but are required to pay a 1 percent agency fee, which entitles them to union protection by Histadrut's collective bargaining agreements. The Ministry of Labor may extend collective bargaining agreements to nonunionized workplaces in the same industrial sector. The Ministry of Labor also oversees personal contracts in the unorganized sectors of the economy.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The law prohibits forced or compulsory labor, specifically including child forced labor, and neither citizens nor nonresident Palestinians working in Israel are generally subject to this practice; however, women are trafficked for the purpose of prostitution (see Section 6.f.). Civil rights groups charge that unscrupulous employers often take advantage of illegal

workers' lack of status to hold them in conditions amounting to involuntary servitude (see Section 6.e.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Children who have attained the age of 15 years, and who are liable to compulsory education under the compulsory education law, may not be employed unless they work as apprentices under the Apprenticeship Law. Notwithstanding these provisions, children who are 14 years old may be employed during official school holidays. Employment of those 16 to 18 years of age is restricted to ensure time for rest and education.

There are no reliable data on illegal child workers. They are concentrated among the country's Arab population and its most recent Jewish immigrants. Illegal employment is found primarily in urban, light-industrial areas. Children's rights groups have called for more vigorous enforcement of child labor laws, combined with a parallel effort to deal with the causes of illegal child labor. The Government specifically prohibits forced child labor, and it generally does not occur.

*e. Acceptable Conditions of Work.*—Legislation in 1987 established a minimum wage at 45 percent of the average wage, calculated periodically and adjusted for cost of living increases. At year's end, the minimum wage was about \$700 (2,800 NIS) per month. The minimum wage often is supplemented by special allowances and generally is sufficient to provide a worker and family with a decent standard of living. Union officials have expressed concern over enforcement of minimum wage regulations, particularly with respect to employers of illegal nonresident workers, who sometimes pay less than the minimum wage.

By law the maximum hours of work at regular pay are 47 hours a week, 8 hours per day, and 7 hours on the day before the weekly rest, which must be at least 36 consecutive hours and include the Sabbath. By national collective agreements, the private sector established a maximum 45-hour workweek in 1988. The public sector moved to a 5-day, 42-plus hour workweek in 1989, while the military adopted it in 1993.

Employers must receive a government permit to hire nonresident workers from the occupied territories, certifying that no citizen is available for the job. All Palestinians from the occupied territories are employed on a daily basis and, unless they are employed on shift work, are not authorized to spend the night in Israel. The Government has in the past considered, but not acted on, a change in this provision to allow Palestinian workers to remain overnight for a week at a time. Palestinians without valid work permits are subject to arrest. Due to security concerns, the Government stopped issuing permits for Palestinian workers following the outbreak of violence in October.

Nonresident workers are paid through the employment service of the Ministry of Labor, which disburses wages and benefits collected from employers. The Ministry deducts a 1 percent union fee and the workers' required contributions to the National Insurance Institute (NII), the agency that administers the Israeli social security system, unemployment benefits, and other benefits. Despite these deductions, Palestinian workers are not eligible for all NII benefits. They continue to be insured for injuries occurring in Israel and the bankruptcy of a worker's employer. They do not have access to unemployment insurance, general disability payments, low-income supplements, or child allotments. By contrast, Israeli settlers in the occupied territories who work in Israel have the same benefits as other Israeli workers. The International Labor Organization (ILO) has long criticized this inequality in entitlements. Since 1993 the Government has agreed to transfer the NII fees collected from Palestinian workers to the Palestinian Authority, which is to assume responsibility for all the pensions and social benefits of Palestinians working in Israel.

There was increased public debate over the role in the workplace and society of foreign workers, who are estimated to number at least 180,000, perhaps half of them undocumented and employed illegally. The majority of such workers come from Eastern Europe and Southeast Asia, and most are employed in the construction and agricultural sectors. The law does not allow such workers citizenship or permanent residence. As a result, they and their families live in a legal and social limbo. Government deportations of such workers take place without benefit of due process. In August press reports stated that the Government ordered an increase in deportations of undocumented foreign workers; however, the deportations were not carried out. Human rights groups argue that since foreign worker residency permits are tied to specific employment, workers have little leverage to influence their work conditions. In May the Ministry of Interior acknowledged that it had prevented labor organizations from distributing pamphlets on labor rights to foreign workers who arrived at the airport. Following the outbreak of violence in September, the Government implemented a closure policy, which prevented thousands of Palestinians from getting to their jobs in Israel (see Section 2.d.). On December 17, in response to pressure for additional workers from the construction and agricul-

tural sectors, the Government announced that it would grant temporary permits to several thousand additional foreign workers.

Along with union representatives, the Labor Inspection Service enforces labor, health, and safety standards in the workplace, although resource constraints affect overall enforcement. Legislation protects the employment rights of safety delegates elected or appointed by the workers. In cooperation with management, these delegates are responsible for safety and health in the workplace.

Workers do not have the legal right to remove themselves from dangerous work situations without jeopardy to continued employment. However, collective bargaining agreements provide some workers with recourse through the work site labor committee. Any worker may challenge unsafe work practices through government oversight and legal agencies.

*f. Trafficking in Persons.*—Trafficking in women for the purpose of prostitution is a continuing problem. According to Amnesty International (AI), every year hundreds of women from the former Soviet Union are brought to Israel by well-organized criminal networks and forced through violence and threats to work illegally as prostitutes. According to some local NGO's, thousands of women are trafficked into the country annually.

In June the Government enacted a law that prohibits the trafficking of persons for the purpose of prostitution. Prostitution per se is not illegal; however, the operation of brothels and organized sex enterprises is outlawed, as are many of the human rights abuses perpetrated by traffickers and pimps, such as assault, rape, abduction, and false imprisonment. Section 201 of the Penal Code stipulates that it is a criminal offense, punishable by between 5 and 7 years' imprisonment, to force or coerce a person to engage in prostitution. Section 202(b) of the Penal Code makes it a criminal offense to induce a woman to leave Israel with the intent to "practice prostitution abroad." In March the Knesset passed the Equality of Women Law (see Section 5); Section 6(b) of the law stipulates that every woman is entitled to protection from violence, sexual harassment, sexual exploitation, and trafficking.

Traffickers reportedly often lure women into coming to the country by offering them jobs in the service industry. In many cases, traffickers meet women at the airport and confiscate all of their official documents. Many trafficked women are forced to live and work under extremely harsh conditions and to give most of the money they earn to their bosses. The women reportedly often are raped and beaten, and often are afraid to report their situation to the police because they are in the country illegally.

According to press reports, brothels are ubiquitous despite being illegal, and police officials estimate that there are 25,000 paid sexual transactions every day. Police often detain trafficked women following raids on brothels. The Minister of Interior has broad powers to deport illegal aliens and to hold them in detention pending deportation. The Ministry may issue deportation orders against any person who is in the country without a residence permit and may hold the deportee in detention following the issuance of a deportation order. The deportee can appeal the deportation order to the Ministry within 3 days of its issuance and also can challenge the order in the High Court. However, trafficked women often do not challenge a deportation order due to language barriers or a lack of information about the appeals procedure. Many trafficked women are detained for extended periods of time because of government orders that they stay in the country to testify in the criminal proceedings against their traffickers. Many women are reluctant or afraid to testify in trials due to threats and intimidation by their traffickers. According to AI, women refuse to testify in court in about 90 percent of all the cases that are prosecuted. Since 1997 police have arrested and deported approximately 1,200 women who were trafficked to the country for prostitution. According to AI, the Government does not attempt to determine whether or not a trafficked woman would be at risk for persecution if she is deported to her country of origin, even in cases in which the woman or girl has testified in criminal proceedings.

#### THE OCCUPIED TERRITORIES

(INCLUDING AREAS SUBJECT TO THE JURISDICTION OF THE PALESTINIAN AUTHORITY)

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. The West Bank and Gaza Strip are now administered to varying extents by Israel and the Palestinian Authority (PA). Pursuant to the May 1994

Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the PA while retaining responsibility for external security; foreign relations; the overall security of Israelis, including public order in the Israeli settlements; and certain other matters.



An historic process of reconciliation between Israel and the Palestinians began with the Madrid Conference in 1991 and continued with the September 1993 signing of the Israeli-Palestinian Declaration of Principles (DOP). In September 1995, Israel and the Palestine Liberation Organization (PLO) signed the Interim Agreement on the West Bank and the Gaza Strip. In January 1997, the parties concluded the Hebron Agreement and in October 1998, Israel and the PLO signed the Wye River Memorandum. In September 1999, the Israeli Government and the PLO signed the Sharm el-Sheikh Memorandum. The parties held intensive working-level talks between March and June and met at Camp David in July; however, the Israeli Government and the PLO did not reach an agreement. On September 28, Israeli opposition leader Ariel Sharon visited the Temple Mount (Haram al-Sharif) in Jerusalem. On September 29, Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons and injuring approximately 200. Following this incident, Palestinians began violent demonstrations against IDF soldiers, settlers, and other Israeli civilians throughout the occupied territories; these demonstrations and ensuing clashes—known to Palestinians and many Israelis as the “al-Aqsa Intifada”—between Palestinians and IDF soldiers occurred daily through the end of the year.

Israel and the Palestinian Authority have varying degrees of control and jurisdiction over the Gaza Strip and the West Bank. Israel continues to control certain civil functions and is responsible for all security in portions of the occupied territories categorized as Area C, which includes the Israeli settlements and 4 percent of the total West Bank Palestinian population. In areas known as Area B, which includes 41 percent of the West Bank Palestinian population, the PA has jurisdiction over civil affairs and shares security responsibilities with Israel. The PA has control over civil affairs and security in Area A, which includes 55 percent of the West Bank Palestinian population. The PA also has jurisdiction over some civil affairs in Area C, as specified in the Interim Agreement. Accordingly, this report discusses the policies and practices of both the Israeli Government and the PA in the areas in which they exercise jurisdiction and control.

Israel continues to exercise civil authority in parts of the West Bank and Gaza through the Israeli Ministry of Defense's Office of Coordination and Liaison, known by the Hebrew acronym MATAK, which replaced the now defunct Civil Administration (CIVAD) in 1995. The approximately 175,000 Israeli settlers living in Area C of the West Bank and in the Gaza Strip are subject to Israeli law and, as citizens, receive preferential treatment from Israeli authorities in terms of protection of personal and property rights and of legal redress. The body of law governing Palestinians in the territories derives from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Certain laws and regulations promulgated by the PA also are in force. The international community considers Israel's authority in the occupied territories to be subject to the Hague Regulations of 1907 and the 1949 Geneva Convention relating to the Protection of Civilians in Time of War. The Israeli Government considers the Hague Regulations applicable and states that it observes the Geneva Convention's humanitarian provisions.

In January 1996, Palestinians chose their first popularly elected Government in democratic elections that generally were well-conducted; the 88-member Palestinian Council (PC) and the Chairman of the Executive Authority were elected. The PA also has a cabinet of 30 ministers. Chairman Yasir Arafat continues to dominate the affairs of government and to make major decisions. Most senior government positions in the PA are held by individuals who are members of, or loyal to, Arafat's Fatah faction of the PLO. The Council meets regularly and discusses a range of issues significant to the Palestinian people; however, it does not have significant influence on policy or the behavior of the executive. In Gaza the legal code derives from British Mandate law, Egyptian law, and PA directives and laws. In the West Bank, pre-1967 Jordanian law and PA laws apply. The PA states that it is undertaking efforts to unify the Gaza and West Bank legal codes; however, it has made little progress to date. The PA courts are perceived as inefficient and the PA executive and security services frequently ignore or fail to carry out court decisions.

Israeli security forces in the West Bank and Gaza Strip consist of the Israeli Defense Forces (IDF); the Israel Security Agency (the ISA—formerly the General Security Service, or GSS, and also known as Shin Bet, or Shabak); the Israeli National Police (INP); and the paramilitary border police. Israeli military courts try Palestinians accused of committing security crimes in Israeli-controlled areas. Members of the Israeli security forces committed numerous serious human rights abuses, particularly following the outbreak of violence in late September.

The Palestinian Police Force (PPF) was established in May 1994 and includes the Palestinian Public Security Force; the Palestinian Civil Police; the Preventive Secu-

rity Force (PSF); the General Intelligence Service, or Mukhabarat; the Palestinian Presidential Security Force; and the Palestinian Coastal Police. Other quasi-military security organizations, such as the military intelligence organization, also exercise de facto law enforcement powers. Palestinian police are responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Israeli settlers in the occupied territories are not subject to PA security force jurisdiction. Members of the PA security forces committed numerous serious human rights abuses throughout the year.

The economy of the West Bank and Gaza Strip is small, poorly developed, and highly dependent on Israel. The economy relies primarily on agriculture, services, and, to a lesser extent, light manufacturing. Especially during periods of tension, Israel restricts the movement of persons and products into Israel and Jerusalem from the West Bank and Gaza, which frequently affects the ability of Palestinians to reach their jobs in Israel. Since 1993 Israel has required Palestinians and their vehicles to have Israeli permits to cross from the West Bank or Gaza into Israel and Jerusalem. Approximately 125,000 West Bank and Gazan workers, representing roughly 20 percent of the Palestinian work force, normally are employed at day jobs in Israel, Israeli settlements, and Jerusalem, making their employment subject to disruption. Since 1993 Israel has applied "closures," or enhanced restrictions, on the movement of persons and products, often for lengthy periods, in response to terrorist attacks or other changes in the security environment. During periods of violent protest in the West Bank or Gaza, or when it believes that there is an increased likelihood of such unrest or of terrorist attacks, Israel imposes a tightened version of closure. Comprehensive, tightened closures also are instituted regularly during major Israeli holidays. During such closures, Israel cancels all travel permits and prevents Palestinians—even those with valid work permits—from entering Israel or Jerusalem. Due to the ongoing unrest in the occupied territories, Israel imposed 88 days of tightened, comprehensive closure during the year, compared with 15 days in 1999. In periods of extreme unrest in the West Bank and Gaza, the Israeli Government also prohibits most travel between towns and villages within the West Bank—an "internal" closure—impeding the flow of goods and persons. During such internal closures, the Government also bans travel on the safe passage route between the West Bank and Gaza. Israel imposed at least 81 days of internal closure during the year, compared with no days of internal closure in 1999. In the past, Israel rarely imposed internal closure within Gaza; however, during much of November and December the Israeli Government imposed internal closure in Gaza. The prolonged periods of closure had a significant negative impact on the economy of the West Bank and Gaza.

Israel's overall human rights record in the occupied territories was poor; although the situation improved slightly during the first 9 months of the year, it worsened in several areas late in the year, mainly due to the sustained violence that began in September. Israeli security forces committed numerous serious human rights abuses during the year. Security forces killed 307 Palestinians and four foreign nationals and injured at least 11,300 Palestinians and other persons during the year. Israeli security forces targeted for killing a number of Palestinians whom the Israeli Government stated had attacked or were planning future attacks on Israeli settlements or military targets; a number of bystanders reportedly also were killed during these incidents. Since the violence began, Israeli security units often used excessive force against Palestinian demonstrators. Israeli security forces sometimes exceeded their rules of engagement, which provide that live fire is only to be used when the lives of soldiers, police, or civilians are in imminent danger. IDF forces also shelled PA institutions and Palestinian civilian areas in response to individual Palestinian attacks on Israeli civilians or settlers; 7 Palestinians and 1 foreign national were killed, and 131 Palestinians were injured in these attacks. Israeli security forces abused Palestinians in detention suspected of security offenses. However, a September 1999 landmark decision by the Israeli High Court of Justice prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, and prolonged exposure to extreme temperatures. Since the September 1999 ruling, domestic and international nongovernmental organizations (NGO's) have been unable to substantiate sporadic allegations that security forces tortured detainees. There were numerous credible allegations that police beat persons in detention. Three Palestinian prisoners died in Israeli custody under ambiguous circumstances during the year. Prison conditions are poor. Prolonged detention, limits on due process, and infringements on privacy rights remained problems. Israeli security forces sometimes impeded the provision of medical assistance to Palestinian civilians. Israeli security forces destroyed Palestinian-owned agricultural land. Israeli authorities censored Palestinian publications, placed limits on freedom of assembly, and restricted freedom of movement for Palestinians.

The PA's overall human rights record was poor, and it worsened in several areas during the year mainly due to the sustained violence that began in late September. Palestinian security forces reportedly killed several Israeli security force members during violent clashes with Israeli soldiers or settlers. Members of Palestinian security services and Fatah's Tanzim participated in violent attacks. Armed Palestinians, some of them members of Palestinian security forces, fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians; residents of the homes consequently bore the brunt of IDF retaliation for these attacks. Palestinian security forces also failed to prevent armed Palestinians from opening fire on Israelis in places in which Palestinians were present. The extent to which senior PLO or PA officials authorized such incidents is not clear. Palestinian security forces in October reportedly impeded the provision of medical assistance to an injured Israeli border policeman, who later died.

One Palestinian died in PA custody under ambiguous circumstances. PA prison conditions are very poor. PA security forces arbitrarily arrest and detain persons, and prolonged detention is a problem. Lack of due process also is a problem. The courts are perceived as inefficient, lack staff and resources, and do not ensure fair and expeditious trials. The PA executive and security services frequently ignore or fail to enforce court decisions. Lack of due process also is a serious problem in the PA's state security courts. PA security forces infringed on citizens' rights to privacy and restricted freedom of speech and of the press. The PA continued to harass, detain, and abuse journalists. PA harassment contributed to the practice of self-censorship by many Palestinian commentators, reporters, and critics. The PA placed some limits on freedom of assembly and association. In February the PA police announced a ban on unlicensed public gatherings, but this action was invalidated by the Palestinian High Court 2 months later. Violence against women and "honor killings" persist. Societal discrimination against women and the disabled is a problem. Child labor is a problem.

Israeli civilians, especially settlers, harassed, attacked, and occasionally killed Palestinians in the occupied territories. There were credible reports that settlers killed at least 14 Palestinians during the year. In one case, an Israeli civilian killed a Palestinian who previously had attacked a settlement and killed an IDF soldier. Settlers also caused economic damage to Palestinians by attacking and damaging greenhouses and agricultural equipment, uprooting olive trees, and damaging other valuable crops. The settlers did not act under government orders in the attacks; however, the Israeli Government did not prosecute the settlers for their acts of violence. In general settlers rarely serve prison sentences if convicted of a crime against Palestinians.

Palestinian civilians in the occupied territories harassed, attacked, and occasionally killed Israelis, especially settlers. Palestinians killed at least 18 Israeli civilians during the year. A number of extremist Palestinian groups and individuals, including the militant Islamic Resistance Movement (HAMAS) and the Palestine Islamic Jihad (PIJ), continued to kill and injure Israelis. Five attacks and roadside bombings were carried out in Israel and the occupied territories. The PA made no arrests in any of these killings.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—Israeli security forces killed numerous Palestinians in response to a sustained violent uprising late in the year. Most of the Palestinians were killed during demonstrations and other violent clashes, and others were targeted specifically by Israeli security forces.

In May Israeli security forces killed six Palestinians and wounded up to 700 at demonstrations in which Palestinian demonstrators were protesting the continued incarceration of Palestinian prisoners in Israeli jails. Some protesters threw stones and Molotov cocktails, and some demonstrators shot at Israeli settlers (see Section 1.c.).

Deaths due to political violence increased significantly during the year due to the "al-Aqsa Intifada." At least 365 persons were killed between late September and the end of December in demonstrations, violent clashes, and military and civilian attacks, including 325 Palestinians, 36 Israelis, 3 Jordanian citizens, and 1 German citizen. Additionally, at least 10,962 persons were injured during this period, including 10,600 Palestinians and 362 Israelis (see Sections 1.c. and 1.g.). On September 28, Israeli opposition leader Ariel Sharon visited the Temple Mount (Haram al-Sharif) in Jerusalem. On September 29, Palestinians held large demonstrations and threw stones at police in the vicinity of the Western Wall. Police used rubber-coated metal bullets and live ammunition to disperse the demonstrators, killing 4 persons

and injuring approximately 200. Following this incident, Palestinians began violent demonstrations against IDF soldiers, settlers, and other Israeli civilians throughout the occupied territories; these demonstrations and ensuing clashes between Palestinians and IDF soldiers occurred daily through the end of the year.

Between late September and the end of the year, Israeli security forces killed 227 Palestinians and 4 foreign nationals, and injured over 10,600 Palestinians during violent demonstrations. Palestinian demonstrators frequently threw stones and Molotov cocktails at IDF soldiers. In some demonstrations, Palestinians also used firearms. According to the IDF, Palestinians used firearms in about 30 percent of the demonstrations between late September and mid-November. In response, Israeli security forces used a variety of means to disperse demonstrators, including tear gas, rubber-coated metal bullets, and live ammunition. In many instances, Israeli security forces used excessive force against demonstrators in contravention of their official rules of engagement (see Section 1.g.).

Israeli Defense Force soldiers targeted for killing a number of Palestinians during the year. A senior Israeli official stated to the domestic press that the IDF deliberately targeted 10 Palestinians since the beginning of the "al-Aqsa Intifada." According to the IDF, the targeted persons were PA security officers or Fatah's Tanzim who previously had attacked or were planning future attacks on Israeli settlements or military targets. The Israeli Government stated that it only targeted persons against whom it had overwhelming evidence and only with the authorization of senior political leaders. PA officials and some human rights organizations claimed that a number of the targeted persons were not involved in the ongoing violence. IDF forces also killed 6 Palestinian bystanders and injured over a dozen others during these incidents (see Section 1.c.).

On November 9, Israeli helicopters fired rockets at a car in Beit Sahour, killing Hussein Mohamed Salim Ubayyat, a Fatah official. Two Palestinian women walking on the road nearby were killed and seven other civilian bystanders were injured in the attack (see Section 1.c.). An IDF spokesman later announced that Ubayyat had been targeted because of his prior involvement in a number of attacks against Israeli military and civilian targets.

On December 31, IDF soldiers killed Dr. Thabet Ahmad Thabet, a high-ranking member of Fatah, while he was in his car near his home.

There also were a number of instances in which it was unclear whether Israeli security forces targeted their victims. On November 17, IDF soldiers killed two Palestinian National Security Forces officers in Jericho. The IDF stated that the officers were part of a terrorist cell that previously had attacked IDF positions and some settlements. The PA stated that the two officers were killed while on duty and working to prevent Palestinian gunmen at a nearby refugee camp from shooting at Israeli positions.

On November 22, IDF forces fired at 2 cars in Gaza, killing a senior Tanzim member, Jamal Abdel Raziq, and 3 other Tanzim members. The Israeli press reported that the 4 were terrorists who were attempting to infiltrate the Morag settlement and that security forces fired at the 2 cars after the drivers refused to stop at a road blockade. According to press reports, Israeli security sources later stated that the incident was an "IDF-initiated operation" against Raziq, who reportedly had been involved in attacks on Israelis in Gaza.

On November 23, HAMAS member Ibrahim Abdel Karim Bani was killed when a bomb exploded in the borrowed car he was driving. Israeli security officials stated to the press that Bani Odeh was transporting explosives to carry out a terrorist attack that detonated prematurely. However, according to the PA and the Palestinian press, Bani Odeh was on a list of 10 Palestinians that the IDF planned to target for killing. PA security forces arrested Bani Odeh's cousin, who reportedly confessed to having provided information to the IDF about Odeh's whereabouts on the day he was killed.

On November 26, IDF soldiers fired on nine Palestinian youths, killing five and injuring two. The Israeli press reported that the IDF refused an International Committee of the Red Cross (ICRC) request to allow medical personnel access to the injured. Palestinian sources stated that the IDF subsequently fired on the injured persons with helicopter gunships. On November 27, Israeli radio, citing IDF sources, described the incident as a "proactive" IDF-initiated action that targeted known terrorists who had participated in previous attacks against Israeli civilian and military targets, including two attacks that took place earlier that day. The Israeli Government also stated that it had reason to believe that the Palestinian youths were planning an additional terrorist attack. Palestinian sources stated that the youths were on their way to visit friends when they were fired upon by the IDF.

On December 10, IDF soldiers fired on two Palestinians who reportedly were planting a roadside bomb near Bethlehem, killing Mahmoud Mugarbi, a member of

Fatah. According to press reports quoting a senior IDF official, Muqrabi's name was on a list of ten reputed terrorists that the IDF had targeted for killing.

Israeli security force personnel killed several Palestinians in unclear circumstances. According to eyewitnesses and a credible Palestinian human rights organization, on October 6, an IDF soldier shot an unarmed 14-year-old boy on the porch of his home near Hebron; he later died. On December 11, Israeli security forces shot and killed Anwar Hmeiran, a member of Palestinian Islamic Jihad. According to Palestinian eyewitnesses, there were no clashes taking place at the time of the shooting. On December 16, Mohammad Fahed Maali was killed while reportedly walking past a clash between Israeli security forces and Palestinian demonstrators in Jenin; according to the Palestinian press, the Palestinian demonstrators did not use firearms in the demonstration. IDF soldiers killed Abbas Othman Ewaywi, a member of HAMAS. According to the IDF, Ewaywi was caught in crossfire between Israeli and Palestinian security forces. However, Palestinian media and eyewitnesses stated that there was no such exchange of gunfire when Ewaywi was shot. HAMAS issued a leaflet the same day vowing revenge for his death.

On September 30, a journalist videotaped and broadcast internationally an exchange of fire between Israeli and Palestinian security forces at Netzarim junction that resulted in the killing of 12-year-old Muhammad al-Dura. Many observers stated that the boy was killed by IDF fire; however, the IDF conducted an investigation and reported that it was not clear whether it was Israeli or Palestinian gunfire that killed al-Dura.

The IDF generally did not investigate incidents in which security forces killed and injured Palestinians. The IDF stated that it did not investigate such incidents because of technical problems; because Israel does not have full control over the occupied territories, and the PA reportedly would not cooperate in investigations in Areas B and C, the IDF stated that it could not conduct such investigations. However, in certain high profile cases, such as the killing of Muhammad al-Dura and the injuring of a foreign journalist, the IDF agreed to investigate.

In several incidents, following attacks on Israeli civilians, including settlers, IDF helicopters fired tank rounds and rockets from helicopters on towns and cities in the West Bank and Gaza, killing and injuring a number of persons and causing significant damage to buildings (see Section 1.g.).

Prior to the outbreak of violence in late September, members of the Israeli security forces killed three Palestinians at military checkpoints and roadblocks inside the occupied territories. In these instances, Israeli authorities stated that the individuals were shot after failing to obey orders to halt. Palestinian eyewitnesses disputed these accounts and charged that Israeli soldiers used excessive and unnecessary force. On March 20, Israeli soldiers killed Halima al-Aloul at the Kharas checkpoint near Hebron; al-Aloul was riding with her husband, who allegedly failed to stop at the checkpoint. On March 30, Murad al-Zaro was shot and killed by Israeli police officers near the Shufat refugee camp in Jerusalem. Israeli police maintained that al-Zaro failed to stop when ordered to do so; however, Palestinian eyewitnesses claimed that police shot al-Zaro after he already had stopped the car. On July 8, IDF soldiers killed a Palestinian woman in Gaza while she was riding in a car. According to the IDF, the soldiers fired because they believed that they heard shots fired from the car.

On August 16, IDF security forces mistakenly killed Mahmoud Assad Abdullah al-Bazar in Surda village. According to the IDF, security forces surrounded his house in the mistaken belief that a wanted HAMAS terrorist was inside. According to his family members, al-Bazar went to his roof to investigate noises and fired one shot in the air to frighten presumed thieves. The IDF soldiers reportedly heard the shot and opened fire on al-Bazar.

According to credible human rights organizations, Israeli security forces sometimes impeded the provision of medical assistance to sick and injured Palestinians (see Section 2.d.); Palestinians claim that seven Palestinians died as a result. For example, on October 6, Israeli security forces delayed an ambulance from reaching a Palestinian who was wounded in a clash in Jerusalem; the Palestinian died later the same day. On October 14, IDF soldiers did not allow a father to bring his daughter into Nablus for medical treatment; she died the same day of a ruptured appendix. On October 16, IDF soldiers refused to allow a man into Nablus for kidney dialysis; he later died of kidney failure. According to the Israeli Government, Palestinian medical personnel sometimes used ambulances as shelter for Palestinians who had fired at Israeli civilians and soldiers (see Section 1.c.).

In May Mohamad Abdel Jalil Faye Saed from Askar refugee camp in Nablus died from wounds sustained in a 1991 confrontation with the IDF in which soldiers reportedly beat Saed for throwing stones at an IDF foot patrol, which left him paralyzed.

Three Palestinian security detainees reportedly died in Israeli custody during the year (see Section 1.c.). On January 14, Lafi al-Rajabi died in a detention center near Nablus; his body reportedly bore cuts and bruises. On June 19, Sami As'ad reportedly hanged himself in Kishon prison; according to newspaper reports he previously had attempted suicide. On August 11, Ramez Fayeze Mohammed Rashing Elrizi died in al-Nafha prison under ambiguous circumstances. The Israeli Government did not publish official autopsies in these deaths.

Palestinian security forces reportedly killed several Israeli security force members during violent clashes with Israeli soldiers or settlers. Members of Palestinian security services and Fatah's Tanzim participated in violent attacks. Armed Palestinians, some of them members of Palestinian security forces, fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians; residents of the homes consequently bore the brunt of IDF retaliation for these attacks. Palestinian security forces also failed to prevent armed Palestinians from opening fire on Israelis in places in which Palestinians were present. The extent to which senior PLO or PA officials authorized such incidents is not clear. Palestinian security forces reportedly impeded the provision of medical assistance to an injured Israeli border policeman, who later died.

On September 29, a Palestinian policeman killed one Israeli border policeman and injured a second. The three police personnel were part of a joint patrol.

On October 1, PA security forces shot a border policeman at Joseph's Tomb, and then delayed an ambulance from reaching him in a timely manner; the soldier bled to death.

One Palestinian died in PA custody during the year. On June 6, Khalid Bahar was found dead in his prison cell; family members claim that the prisoner died after being tortured (see Section 1.c.). The PA publicized the results of its autopsy report, which stated that the prisoner had choked to death.

More than 35 Israelis and Palestinians died in politically related violence perpetrated by individuals and groups during the year. Israeli settlers harassed, attacked, and occasionally killed Palestinians in the West Bank and Gaza Strip (see Section 1.c.). There were credible reports that settlers killed at least 14 and injured a number of Palestinians during the "al-Aqsa Intifada," usually by stoning their vehicles, which caused fatal accidents, shooting them, or hitting them with moving vehicles. For example, on October 1, unidentified Israeli settlers opened fire on a car holding Palestinians, killing an 18-month-old baby. On October 17, two settlers from Itamar opened fire with machine guns on a group of Palestinians harvesting olives in a field near Nablus, killing one person and injuring four. The perpetrators of the attack were identified and taken into Israeli police custody, but subsequently were released because the police determined that the PA was not cooperating sufficiently with the investigation. The PA denied this charge. The settlers did not act under government orders in the attacks; however, the Israeli Government did not prosecute the settlers for their acts of violence. In general, settlers rarely serve prison sentences if convicted of a crime against Palestinians.

Palestinian civilians harassed, attacked, and occasionally killed Israelis, especially settlers. During the year, Palestinians killed 18 Israeli civilians and injured numerous others (see Section 1.c.). Palestinians frequently threw stones and fired guns at Israeli civilians during the "al-Aqsa Intifada." On October 8, Palestinian civilians killed Israeli settler Hillel Lieberman from Elon Moreh. Lieberman had been missing since the morning of October 7, when he told a relative that he was going to "pay a final visit" to Joseph's Tomb in Nablus, after the IDF had announced that it would withdraw from the site. An unknown extremist group took responsibility for the killing.

On October 12, a Palestinian mob killed two IDF reservists in a brutal attack in Ramallah. The mob attacked the soldiers' car until Palestinian police intervened and brought the soldiers to the civil police station. The mob followed, broke down the gate of the police station, and kicked, burned, and beat to death the two reservists. There were reports that Palestinian police personnel also participated in the beating.

On October 30, unknown Palestinian gunmen killed one security guard and injured another at the National Insurance Office in Jerusalem. On November 9, Palestinian gunmen killed one woman and injured one man in their car. On November 13, Palestinian gunmen killed a settler and two IDF soldiers near Ramallah.

Several Palestinian officials made public statements justifying Palestinian attacks on Israeli civilians, and the PA made no arrests in any of these killings. Additionally, Tanzim leaders made public statements urging Palestinians to continue the violence. Following Chairman Arafat's announcement on November 17 to stop firing on Israeli civilians or security forces from Area A, there was a short-lived significant

decrease in the number of such incidents. Israeli observers noted that Arafat's statement did not address attacks in Areas B and C.

Seven Israeli civilians were killed in bomb attacks and roadside bombs for which several Palestinian extremist groups claimed responsibility. For example, a roadside bomb near Kfar Darom settlement in Gaza was detonated on November 20 as a settler schoolbus passed. A teacher and a school maintenance worker were killed, and nine passengers were wounded, including several children (see Section 1.c.). Two Palestinian extremist groups claimed responsibility for the attack. On November 23, two IDF soldiers were killed and three were injured in 2 separate bomb attacks in Gaza.

*b. Disappearance.*—There were no reports of politically motivated disappearances during the year.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Israeli laws and administrative regulations prohibit the physical abuse of detainees; however, security forces abused in detention Palestinians suspected of security offenses. A landmark decision by the Israeli High Court of Justice in September 1999 prohibited the use of a variety of abusive practices, including violent shaking, painful shackling in contorted positions, sleep deprivation for extended periods of time, and prolonged exposure to extreme temperatures. Prior to the High Court's decision, Israeli laws and administrative regulations prohibiting the physical abuse of detainees were not enforced in security cases (see Section 1.c. of the Israel report). The head of the then-GSS was empowered by government regulation to authorize security officers to use "moderate physical and psychological pressure" (which included violent shaking) while interrogating detainees. These practices often led to excesses. Since the September 1999 ruling, domestic and international NGO's have been unable to substantiate sporadic allegations that security forces tortured detainees.

Most convictions in security cases before Israeli courts are based on confessions. A detainee may not have contact with a lawyer until after interrogation, a process that may last days or weeks. The Government does not allow ICRC representatives access to detainees until the 14th day of detention. This prolonged incommunicado detention contributes to the likelihood of abuse. Detainees sometimes claim in court that their confessions are coerced, but judges rarely exclude such confessions. According to Palestinian human rights groups, some Palestinian detainees fail to make complaints either due to fear of retribution or because they assume that such complaints would be ignored. During the year, there were no known cases in which a confession was thrown out because of improper means of investigation or interrogation.

Israeli security forces injured at least 11,300 Palestinians during violent demonstrations during the year (see Sections 1.a., 2.b., and 1.g.). In May IDF soldiers and Israeli police injured up to 700 Palestinians during protests in support of a hunger strike declared by Palestinian prisoners in Israeli jails. During the "al-Aqsa Intifada," Israeli security forces injured about 10,600 Palestinian demonstrators.

The IDF injured several bystanders at demonstrations, including journalists (see Section 2.a.). According to a November report by the Committee to Protect Journalists, at least 10 journalists were hit by IDF gunfire during the "al-Aqsa Intifada," and 3 other journalists were hit by gunfire from an unknown source. In at least one case, a foreign photographer was hit by live ammunition during a demonstration in which no IDF personnel were under fire.

Israeli authorities also frequently treat Palestinians in an abusive manner at checkpoints, subjecting them to verbal and physical harassment. According to press reports, on September 6, Israeli border policemen physically abused three Palestinian workers near the village of Abu Dis outside of Jerusalem. The officers took photos of themselves with their victims; their trial was ongoing by year's end.

The PA does not prohibit by law the use of torture or force against detainees, and PA security forces reportedly were responsible for torture and widespread abuse of Palestinian detainees. Such abuse generally took place after arrest and during interrogation. In 1995 the Gaza civil police commander issued to police officers in the West Bank and Gaza a directive forbidding torture during interrogation, and directing the security forces to observe the rights of all detainees. However, the directive does not have the force of law; Palestinian security officers have not been issued formal guidelines on the proper conduct of interrogations. The PA lacks adequate equipment to collect and use evidence, and convictions are based largely on confessions. The importance of obtaining confessions heightens the possibility of abuse.

PA security officials torture and abuse prisoners by threatening, hooding, beating, and tying detainees in painful positions, forcing them to stand for long periods of time, depriving them of sleep and food, and burning detainees with cigarettes and hot instruments. Palestinians also alleged that they had been shaken violently while in PA custody. International human rights monitoring groups have documented

widespread arbitrary and abusive conduct by the PA. These organizations state that use of torture is widespread and not restricted to those persons detained on security charges. Human rights groups state that Palestinians who are suspected of belonging to radical Islamic groups are more likely to be treated poorly. In February and March, the General Intelligence Service arrested, detained, and physically abused dozens of Bir Zeit University students who were arrested on charges of throwing stones at a foreign head of state during a campus demonstration (see Section 2.b.). Several human rights groups claimed that the students were tortured during detention.

During the year, one Palestinian died in PA custody. Family members claim that the prisoner died after being tortured (see Section 1.a.). The PA publicized the results of its autopsy report, which stated that the prisoner had choked to death.

Palestinian police and Tanzim members with firearms participated in violent demonstrations and attacks. Palestinian security forces sometimes fired at Israeli civilians or soldiers from within or close to the homes of Palestinian civilians; residents of the homes consequently bore the brunt of IDF retaliation for these attacks. Palestinian security forces also sometimes failed to prevent armed Palestinians from opening fire on Israeli civilians, soldiers, or military targets.

In February Palestinian police failed to prevent an attack by a Palestinian crowd against PA judges and prosecutors in Bethlehem. A crowd of about 300 persons, mainly family members of one of the criminal suspects on trial, stormed the courthouse, locked the judge and prosecutors inside, threw stones, and demanded that the court revoke sentences against two defendants in a murder trial. Police officials were at the courthouse; however, they did not disperse the crowd or make any arrests.

Israeli settlers harass, attack, and occasionally kill (see Section 1.a.) Palestinians in the West Bank and Gaza Strip. There were credible reports that settlers injured a number of Palestinians during the "al-Aqsa Intifada," usually by stoning their vehicles, which at times caused fatal accidents, shooting them, or hitting them with moving vehicles. Human rights groups received several dozen reports during the year that Israeli settlers in the West Bank beat Palestinians and destroyed the property of Palestinians living or farming near Israeli settlements. For example, according to Palestinian eyewitnesses, a group of Israeli settlers beat a 75-year-old Palestinian woman in April. At least five settlers from Brakha near Nablus reportedly assaulted the woman, who was picking wild herbs near the settlement; a passerby reportedly intervened and took the woman to a hospital. During the "al-Aqsa Intifada," there were numerous incidents in which Israeli settlers physically attacked Palestinians or threw stones at their homes and cars. Settlers also attacked and damaged crops, olive trees, greenhouses, and agricultural equipment, causing extensive economic damage to Palestinian-owned agricultural land. The settlers did not act under government orders in the attacks; however, the Israeli Government did not prosecute the settlers for their acts of violence. In general settlers rarely serve prison sentences if convicted of a crime against a Palestinian.

According to human rights organizations, Israeli settlers sometimes attacked Palestinian ambulances and impeded the provision of medical services to injured Palestinians (see Section 2.d.).

Palestinians harassed, attacked, and occasionally killed (see Section 1.a.) Israelis, especially settlers. During demonstrations in support of the Palestinian prisoner hunger strike in May, Palestinian demonstrators shot Israeli settlers in Beit El and Jenin in the West Bank. On May 21, an unknown Palestinian threw a Molotov cocktail at a car of Jewish settlers, critically injuring a child. Palestinians injured a number of Israeli settlers in attacks during the "al-Aqsa Intifada." For example, on October 19, unidentified Palestinian gunmen shot at a large group of Israeli settlers who were hiking in an area near Joseph's Tomb in Nablus, where there had been fierce fighting the week before. One settler and one Palestinian were killed, and four Israelis and a dozen Palestinians were injured in an exchange of gunfire. Unidentified Palestinian gunmen fired on homes in Gilo, a Jewish neighborhood in Jerusalem, for at least 13 nights between October and November, injuring seriously two persons. A number of Israeli civilians were injured in armed attacks or bombings, for which several Palestinian extremist groups claimed responsibility (also see Section 1.a.).

Palestinian civilians attacked Israeli medical teams on several occasions. For example, on October 2, Palestinian civilians reportedly fired on an ambulance that was evacuating 4 IDF soldiers who had been injured in a violent clash; the ambulance reportedly was delayed for about 1 hour. Palestinian civilians also prevented the evacuation of injured Israelis in several incidents; in one such case, the injured person did not receive medical treatment and died from his wounds (see Section 1.a.). According to the Israeli Government, Palestinian medical personnel sometimes



allowed ambulances and medical facilities to be used as shelter for Palestinians who had fired at Israeli civilians and soldiers (see Section 1.a.).

Conditions for Palestinians in Israeli prisons are poor. Facilities are overcrowded, sanitation is poor, and medical care is inadequate. Palestinian inmates held strikes and protests in support of a number of causes and to protest prison conditions throughout the year. On May 1, Palestinian prisoners in Israeli prisons began a hunger strike to protest prison conditions and their continued incarceration. Following negotiations with PA and Israeli government officials, the prisoners agreed to suspend the hunger strike on May 31. The Israeli Government agreed to remove prisoners from solitary confinement and to allow family members to visit inmates, and the prisoners agreed to refrain from planning terrorist attacks from prison. Three Palestinian prisoners died in Israeli custody under ambiguous circumstances during the year (see Section 1.a.).

Israel permits independent monitoring of prison conditions, although human rights groups sometimes encounter difficulties gaining access to specific detainees.

Prison conditions in PA facilities continue to be very poor. In many cases, facilities are overcrowded, old, dilapidated, and neglected. Food and clothing for prisoners are inadequate and must be supplemented by donations from families and humanitarian groups. Palestinian inmates held periodic strikes and protests throughout the year in support of a number of causes and to protest prison conditions and the practice of administrative detention. In some PA prisons, an effort is made to house religious prisoners together. Male and female inmates are housed separately. During the year, one Palestinian died in PA custody under ambiguous circumstances (see Section 1.a.).

In August detainees held by the PSF in Ramallah staged a hunger strike demanding an improvement in detention conditions. The PSF agreed to meet the prisoners' demands. Prisoners in the PA-run Jneid Prison also staged a hunger strike to protest being held for an extended period of time without charge or trial (see Section 1.c.).

The PA permits independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations state that their ability to visit PA jails and detention centers varies depending on which security organization controls the facility. Human rights organizations state that the police, Preventive Security Force, and Mukhabarat generally were cooperative in allowing them to inspect facilities and visit prisoners and detainees. However, they said that the Military Intelligence Organization was less responsive to such requests. Human rights monitors state that prison authorities sometimes are capricious in permitting them access to PA detention facilities and they rarely are permitted to see inmates while they are under interrogation. Pursuant to an agreement signed in September 1996, the ICRC conducts prison visits but may be denied access to a detainee for 14 days. If abuses occur, they frequently happen during this 2-week period.

Some PA security organizations, including the General Intelligence Organization in the West Bank and the police, have appointed officials to act as liaisons with human rights groups. These officers meet with human rights organizations and members of the diplomatic community to discuss human rights cases.

*d. Arbitrary Arrest, Detention, or Exile.*—Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed a criminal or security offense in the occupied territories. Most of these arrests and detentions are for alleged security offenses. Persons arrested for common crimes usually are provided with a statement of charges and access to an attorney, and may apply for bail. However, these procedures sometimes are delayed.

Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses. There were reports that some such summonses were issued immediately before and during the "al-Aqsa Intifada." Israeli military order 1369 stipulates a 7-year prison term for anyone who does not respond to a special summons delivered to a family member or posted in the MATAK office nearest the suspect's home address. There were no reports during the year that anyone was convicted of failing to respond to a summons. Bail rarely is available to those arrested for security offenses. Although Israeli law does not allow Israelis under the age of 16 to be tried as adults, Israeli courts treat Palestinians over the age of 12 as adults. Defense for Children International (DCI) reported that over 420 Palestinian minors (below the age of 18 years) were arrested and detained in Israeli prisons during the year, and that at year's end, there were 200 minors in Israeli prisons. The IDF stated that 44 minors were held in Israeli security facilities at year's end.

Israeli authorities may hold persons in custody without a warrant for 96 hours; they must be released unless a warrant is issued. Prearrest detention may last up to 11 days for Palestinians arrested in the occupied territories and up to 8 days for minors and those accused of less serious offenses. Authorities must obtain a court order for longer administrative detentions—up to 6 months from the date of arrest. At hearings to extend detention for interrogation purposes, detainees are entitled to be represented by counsel, although the defense attorney often is not allowed to see or hear the evidence against his client. Detainees either are released at the end of the court-ordered detention or sent to administrative detention if they are not indicted. If there is an indictment, a judge may order indefinite detention until the end of the trial. Israeli regulations permit detainees to be held in isolation during interrogation. Detainees have the right to appeal continued detention.

Although a detainee generally has the right to consult with a lawyer as soon as possible, in security cases authorities may delay access to counsel for up to 15 days. Higher-ranking officials or judges may extend this period. Access to counsel is denied routinely while a suspect is being interrogated, which sometimes can last several weeks. Authorities must inform detainees of their right to an attorney and whether there are any orders prohibiting such contact.

A number of factors hamper contacts by Palestinians in Israeli prison and detention facilities with their lawyers, families, and human rights organizations. Israeli authorities claim that they attempt to post notification of arrest within 48 hours; however, Palestinian suspects often are kept incommunicado for longer than 48 hours. Even if an arrest becomes known, it is often difficult to obtain information on where a detainee is being held or whether the detainee has access to an attorney. Palestinians generally locate detained family members through their own efforts. Palestinians may check with a local ICRC office to determine whether it has information on the whereabouts of a family member. A senior officer may delay for up to 12 days notification of arrest to immediate family members and attorneys. A military commander may appeal to a judge to extend this period in security cases for an unlimited period of time.

The Israeli Government routinely transfers Palestinians arrested in the occupied territories to facilities in Israel, especially the prison in Ashkelon and the military detention center in Megiddo. Israeli authorities have been known to schedule appointments between attorneys and their detained clients, only to move the clients to another prison prior to the meetings. Authorities reportedly use such tactics to delay lawyer-client meetings for as long as 90 days. Palestinian lawyers also have difficulty traveling to meet with their clients during Israeli-imposed closures. Israel requires Palestinian attorneys to acquire permits to enter Israel to see their clients held in prisons there. Human rights groups say that Palestinian lawyers from the Gaza Strip have a harder time obtaining these permits than their West Bank counterparts and that they are denied entry into Israel more frequently than West Bank lawyers.

Male family members between 16 and 40 years of age, and any family members with security records, generally are barred from visiting relatives in facilities in Israel. Relatives of Palestinian prisoners also complain that sometimes they only learn that visitation rights have been canceled when they arrive at the prison following a trip of many hours from the occupied territories. Following the outbreak of violence in late September, the Israeli Government banned all family visits for Palestinian prisoners in Israeli jails. In November there were negotiations between the Israeli Government, the ICRC, and the Palestinian Prisoners' Society to restore visitation rights to Palestinian prisoners. The Government of Israel offered to allow spouses, children under the age of 10, and parents to apply for one-day visitation passes; however, Palestinian prisoners rejected these conditions.

Evidence used at hearings for administrative detentions is secret and unavailable to the detainee or his attorney during the hearings; the detainee and defense lawyer are required to leave the courtroom when secret evidence is presented. Israeli authorities maintain that they are unable to present evidence in open court because doing so would compromise the method of acquiring the evidence. In July 1998, the High Court of Justice ruled that only judges, rather than military officials, may renew administrative detention orders beyond a 6-month period. Detainees may appeal detention orders, or the renewal of a detention order, before a military judge, but their chances for success are very limited. During the year, some succeeded in persuading the courts to shorten their detentions.

The overall number of Palestinian prisoners and administrative detainees in Israeli jails declined for the fourth straight year until mid-October, when the number increased. Human rights organizations attributed the decrease to the absence of major terrorist attacks; in the past, Israeli officials arrested Palestinians suspected of terrorist connections after major terrorist attacks. The Israeli Government

released 16 Palestinian prisoners in March as a goodwill gesture. According to the IDF, in mid-October there were 1,307 Palestinian security prisoners in Israeli prisons, military detention centers, and holding centers, compared with 1,354 at the end of 1999. According to the IDF, there were 1,402 Palestinian security prisoners in Israeli prisons and detention centers as of mid-December. According to human rights groups, 10 Palestinians were in administrative detention at year's end, compared with 18 at the end of 1999. Several have been held for more than 1 year. Many Palestinians under administrative detention during the past 3 years have had their detention orders renewed repeatedly without meaningful opportunity to appeal.

PA security forces arbitrarily arrested and detained persons. The PA does not have a uniform law on administrative detention, and security officials do not always adhere to the existing laws in the West Bank and Gaza Strip. Laws applicable in Gaza, which do not apply to the West Bank, stipulate that detainees held without charge be released within 48 hours. These laws allow the Attorney General to extend the detention period to a maximum of 90 days during investigations. Human rights organizations and the PA Ministry of Justice assert that PA security officials do not always adhere to this regulation. Prevailing law in the West Bank allows a suspect to be detained for 24 hours before being charged. The Attorney General may extend the detention period.

The PA Chairman has not signed the Basic Law, which was designed to limit executive branch abuses and to delineate safeguards for citizens, since it was passed by the Palestinian Council (PC) in 1996. The lack of safeguards has contributed to the tendency of PA security forces to refuse to carry out High Court of Justice orders to release detainees. In some cases, the High Court ordered the release of prisoners detained for years without trial, and PA security forces released the prisoners several months or a year later. In November 1997, the High Court ordered the release of HAMAS activist Mahmud Muslah; Muslah remained in detention at year's end. In February 1999, the High Court ordered the release of Wa'el Farraj, who has been detained without charges since 1996; Farraj remained in detention at year's end. According to the Palestinian Independent Commission for Citizens Rights, the High Court ordered 9 detainees released during the year, compared with approximately 60 detainees in 1999. The PA released approximately 60 security prisoners during the "al-Aqsa Intifada"; however, human rights groups estimate that the PA has held approximately 150 prisoners for more than a year without charge. The total number of Palestinians in PA jails reached between 500 and 900 prisoners by year's end, including approximately 50 political and security detainees.

In past years, Palestinian security forces sometimes detained or placed under house arrest the relatives of alleged security criminals. In the past, lawyers and PA judicial officials acknowledged that, in contravention of the law, PA security services sometimes arrested and detained persons without informing judicial officials.

PA authorities generally permit prisoners—except those held for security offenses—to receive visits from family members, attorneys, and human rights monitors. PA security officials do not always permit lawyers to see their clients. In principle detainees may notify their families of their arrest, but this is not always permitted.

Human rights organizations reported in the past that lawyers sometimes were denied access to their clients.

PA security services have overlapping or unclear mandates that often complicate the protection of human rights. Under existing law in the West Bank, only the PA's civil police force is authorized to make arrests. In practice all security forces are known to detain persons at various times. The operating procedures and regulations for the conduct of PA security personnel in the various services still are not well developed and have not yet been made fully available to the public.

There are many detention facilities in the West Bank and Gaza Strip administered by the overlapping PA security services, a situation that complicates the ability of families, lawyers, and even the Ministry of Justice to track detainees' whereabouts and to determine their numbers. Security services, including Preventive Security, General Intelligence, Military Intelligence, and the Coast Guard have their own interrogation and detention facilities. In general these services do not, or only sporadically, inform families of a

PA security forces continued to harass and arbitrarily arrest and detain journalists, political activists, and human rights advocates who criticized the PA and its policies. A number of journalists were arrested and detained and television stations were shut down for expressing views or covering topics unacceptable to the Palestinian Authority (see Section 2.a.).

In January PA security forces rearrested Abdel Sattar Qassem. Security forces had arrested Qassem and seven other signatories of a petition that accused the PA of corruption in November 1999. The PA released Qassem in July.

On February 26, PA police arrested and detained for 1 week approximately 30 Bir Zeit University students who reportedly threw stones at a foreign head of state during a demonstration (see Section 2.b.). In May PA security forces arrested 20 persons for participating in an anti-PA rally in Ramallah organized by the Popular Front for the Liberation of Palestine (PFLP) following the funeral of one of its members who died during clashes with the IDF near Ramallah (see Section 2.b.).

Neither the Israeli Government nor the PA forcibly deported anyone from the occupied territories during the year.

*e. Denial of Fair Public Trial.*—Israeli law provides for an independent judiciary, and the Government respects this provision. Palestinians accused by Israel of security offenses in the occupied territories are tried in Israeli military courts. Security offenses are defined broadly and may include charges such as membership in outlawed organizations. Charges are brought by military prosecutors. Serious charges are tried before three-judge panels; lesser offenses are tried before one judge. Defendants have the right to counsel and to appeal verdicts to the Court of Military Appeals, which may accept appeals based on the law applied in the case, the sentence, or both. The right of appeal does not apply in all cases and sometimes requires court permission. The Israeli military courts rarely acquit Palestinians of security offenses, but sentences sometimes are reduced on appeal.

Trials sometimes are delayed for several reasons: Witnesses, including Israeli military or police officers, do not appear; the defendant is not brought to court; files are lost; or attorneys fail to appear, sometimes because they have not been informed of the trial date or because of travel restrictions on Palestinian lawyers. These delays add pressure on defendants to plead guilty to minor offenses; if they do, an “expedited” trial may be held, in which a charge sheet is drawn up within 48 hours and a court hearing scheduled within days.

By law most Israeli military trials are public, although access is limited. Most convictions in military courts are based on confessions. Evidence that is not available to the defendant or his attorney may be used in court to convict persons of security offenses. There frequently is no testimony provided by Palestinian witnesses either for or against Palestinians on trial. Israeli authorities maintain that this is due to the refusal of Palestinians to cooperate with the authorities. Physical and psychological pressures and reduced sentences for those who confess may induce security detainees to sign confessions. Confessions usually are given in Arabic but translated into Hebrew for the record because, authorities maintain, many Israeli court personnel speak Arabic but few read it. Palestinian detainees seldom read Hebrew and therefore often sign confessions that they are unable to read.

Crowded facilities and poor arrangements for attorney-client consultations in prisons hinder legal defense efforts. Appointments to see clients are difficult to arrange, and prison authorities often fail to produce clients for scheduled appointments.

Israeli settlers in the West Bank and Gaza Strip accused of security and ordinary criminal offenses are tried under Israeli law in the nearest Israeli district court. Civilian judges preside, and the standards of due process and admissibility of evidence are governed by the laws of Israel, not military orders. Settlers convicted in Israeli courts of crimes against Palestinians regularly receive lighter punishment than Palestinians convicted in Israeli courts of similar crimes against either Israelis or other Palestinians. In December the Jerusalem magistrates court ordered an Israeli settler to pay compensation of \$17,500 to the family of a young Palestinian boy who reportedly was killed by the settler’s negligence about a decade earlier.

There were no reports that the Israeli Government held political prisoners.

The PA courts are inefficient, lack staff and resources and, as a result, often do not ensure fair and expeditious trials, and the PA executive and security services frequently ignore or fail to carry out court decisions.

The PA inherited a court system largely based on structures and legal codes predating the 1967 Israeli occupation. In the civil court system, cases initially are tried in courts of first instance. There are two appeals courts, one located in Gaza City and the other in Ramallah, which handle appeals from the lower courts. The appeals courts also function as the Palestinian High Court of Justice. The PA executive at times does not respect decisions of the High Court, and the Palestinian security agencies do not always enforce its rulings (see Section 1.d.). In 1995 the PA es-

established state security courts in Gaza and the West Bank to try cases involving security issues. Three military judges preside over each court. A senior police official heads the state security court in Jericho, and three judges preside over it. There is no right of appeal, but the PA Chairman reviews the court's findings and he may confirm or reject the decision. The PA Ministry of Justice has no jurisdiction over the state security courts, which are subordinate only to the Chairman.

The Gaza legal code derives from British Mandate law, Egyptian law, and PA directives and laws. Pre-1967 Jordanian law applies in the West Bank. Bodies of law in the Gaza Strip and West Bank have been modified substantially by Israeli military orders. According to the Declaration of Principles and the Interim Agreement, Israeli military decrees issued during the occupation theoretically remain valid in both areas and are subject to review pursuant to specific procedure. The PA has stated that it was undertaking efforts to unify the Gaza and West Bank legal codes, but it has made little progress. Human rights advocates claim that the PA's judiciary does not operate consistently.

The court system in general is recovering from years of neglect; many of the problems predate PA jurisdiction. Judges and staff are underpaid and overworked and suffer from a lack of skills and training. Court procedures and record keeping are archaic and chaotic. The delivery of justice often is slow and uneven. The ability of the courts to enforce decisions is extremely weak, and there is administrative confusion in the appeals process. A heavy caseload exacerbates these systemic problems. The PA closed all civil courts in late September for several weeks.

The PA Ministry of Justice appoints all civil judges for 10-year terms. The Attorney General, an appointed official, reports to the Minister of Justice and supervises judicial operations in both the Gaza Strip and the West Bank. In the past, the Chief Justice had the authority to appoint all judges in the West Bank. Human rights organizations and judicial officials criticized the decision, saying that it contravened existing law, which stipulated that a higher judicial council should be responsible for appointing judges. During the year, the Chairman authorized the establishment of the High Judicial Council in accordance with legislation passed by the Council in 1998. Human rights advocates and lawyers believe that this step may enhance the judicial system.

The PA's state security courts often fail to afford defendants due process. The PA usually ignores the legal limits on the length of prearrest detention of detainees suspected of security offenses. Defendants often are brought to court without knowledge of the charges against them or sufficient time to prepare a defense. They typically are represented by court-appointed lawyers, who often are not qualified. Court sessions often take place on short notice in the middle of the night, and without lawyers present. In some instances, security courts try cases, issue verdicts, and impose sentences in a single session lasting a few hours.

During the year, the state security courts sentenced three persons to death for committing murder. In two of the cases, the trials reportedly were hasty, and the defendants did not have adequate representation. For example, a state security court sentenced Raji Saqir to death on July 3 after a 1-day trial, which occurred 1 day after Saqir allegedly committed murder. Although no executions were carried out during the year, in February 1999, a Palestinian colonel was executed after the PA's state security court convicted him of raping a young boy. Human rights groups criticized the decision; they complained that the trial lasted for less than 2 hours, the defendant did not have sufficient time to prepare his defense, there was no appeals process, and the charges were ill-defined.

The state security courts adjudicated cases that fell far outside the scope of the courts' original mandate. In addition to "security" cases, the courts have on occasion dealt with tax cases and economic crimes, such as smuggling. In February the Chairman decreed that "serious" crimes, including homicide, rape, and drug trafficking, be referred to state security courts. The decision prompted human rights organizations to issue statements requesting the abolition of state security courts and the referral of all cases to the regular civil courts.

There were no reports during the year that persons were convicted for their political beliefs. A credible Palestinian human rights organization estimated that the PA held approximately 100 political prisoners before the beginning of the "al-Aqsa Intifada" in late September. In October the PA released most of the political prisoners. The PA stated that this action was in response to Israeli warnings that it would be bombing PA police facilities following the brutal killing of two Israeli reserve soldiers in Ramallah (see Section 1.a.). A Palestinian human rights organization estimated that the PA held 10 political prisoners at year's end.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Israeli military authorities in areas of the West Bank under their control may enter private Palestinian homes and institutions without a warrant on security grounds when au-

thorized by an officer of the rank of lieutenant colonel or above. In conducting searches, the IDF has forced entry and sometimes has beaten occupants and destroyed property. Israeli authorities state that forced entry may occur lawfully only when incident to an arrest and when entry is resisted. Authorities state that beatings and arbitrary destruction of property during searches are punishable violations of military regulations, and that compensation is due to victims in such cases. The Israeli Government states that it does not keep consolidated information on the claims against the Ministry of Defense for damages resulting from IDF actions. In February IDF soldiers raided an elderly Palestinian woman's home, reportedly searching for stone throwers; the woman, who had been suffering from heart problems, died of a heart attack.

Israeli security forces may demolish or seal the home (owned or rented) of a Palestinian suspected of terrorism without trial. The decision to seal or demolish a Palestinian's house is made by several high-level Israeli officials, including the coordinator of the MATAK and the Defense Minister. Residents of houses ordered demolished have 48 hours to appeal to the area commander; a final appeal may be made to the Israeli High Court. A successful appeal generally results in the conversion of a demolition order to sealing. After a house is demolished military authorities prohibit the owner from rebuilding or removing the rubble. Israelis suspected of terrorism are subject to Israeli law and do not face the threat of home demolition. In August Israeli security forces demolished the home of Nidal Daghlash near Nablus, claiming that a HAMAS fugitive, Mahmoud Abu Hanoud, previously had hidden in Daghlash's home. Human rights groups stated that the home demolition was an arbitrary measure. On November 2, Israeli security forces demolished two homes in Gaza following a nearby explosion.

In November 1999, the Israeli Government expelled 300 Bedouin farmers from their homes in caves near the Jewish settlement of Ma'on, stating that the area was a closed military zone. On March 29, the Israeli High Court of Justice ordered that the farmers be allowed to return to their homes. In April the IDF issued new deportation orders to returnees who were not party to the original legal suit.

From late September through the end of the year, the IDF destroyed numerous citrus orchards, olive and date groves, and irrigation systems on Palestinian-owned agricultural land in both the West Bank and Gaza. The IDF generally destroyed agricultural land following clashes at demonstrations, shootings aimed at settlers, or bombings. The IDF stated that it destroyed this land because Palestinian snipers reportedly were using it for purposes of concealment.

The PA requires the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignore these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises and destroyed property.

PA security forces sometimes detained or placed under house arrest the relatives of alleged security criminals (see Section 1.d.).

*g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—Between late September and the end of the year, Israeli security forces killed 227 Palestinians and 4 foreign nationals, and injured over 10,600 Palestinians during violent demonstrations. Palestinian demonstrators frequently threw stones and Molotov cocktails at the IDF. In some demonstrations, Palestinians also used firearms. According to the IDF, Palestinians used firearms in about 30 percent of the demonstrations between late September and mid-November. In response Israeli security forces used a variety of means to disperse demonstrators, including tear gas, rubber-coated metal bullets, and live ammunition. In many instances, Israeli security forces used excessive force against demonstrators in contravention of their official rules of engagement (see Section 1.a.). According to the IDF, it does not have a policy of indiscriminate or excessive use of force, and its rules of engagement establish a framework to deal with threats faced by Israeli civilians and armed forces.

IDF regulations permit the use of both rubber-coated metal bullets and live ammunition only when a soldier's life is in immediate danger, to halt fleeing suspects, to disperse a violent demonstration, or to fire on an individual unlawfully carrying firearms. According to human rights organizations, a number of Palestinian deaths and injuries reportedly occurred during demonstrations at which protesters did not use live firearms.

According to IDF policy, soldiers are to direct fire at the legs only, and may fire at a fleeing suspect only if they believe that a serious felony has occurred and that they have exhausted other means to apprehend the suspect. It is forbidden to open fire in the direction of children or women, even in cases of severe public disorder, unless there is an immediate and obvious danger to a soldier's life. Palestinian medical relief organizations reported that 59.5 percent of the gunshot wounds inflicted by Israeli security forces during demonstrations were in the head or torso, and esti-

mated that about one-sixth of the Palestinians wounded during the “al-Aqsa Intifada” likely would be disabled permanently. According to human rights organizations, a total of 82 Palestinians under the age of 18 years were killed in the demonstrations. During some demonstrations, bystanders, including journalists, medical personnel, and Palestinian civilians were killed or injured by IDF fire (see Sections 1.a. and 2.a.).

The IDF fired tank rounds and rockets from helicopters on cities and towns in the West Bank and Gaza, killing and injuring a number of persons and causing significant property damage (see Section 1.a.). For example, on October 12, in retaliation for the brutal killing by a Palestinian mob of two IDF reservists (see Section 1.a.), IDF helicopters attacked over 10 PA targets in Ramallah and Gaza, injuring more than 20 bystanders and destroying buildings. On October 23, the IDF shelled a neighborhood in Hebron, killing 1 person, in retaliation for an earlier shooting incident in the Israeli-controlled area of Hebron.

For at least 13 nights between October and December, Palestinian gunmen from Beit Jala shot at homes in Gilo, a Jewish neighborhood in East Jerusalem (see Section 1.c.). Two Israelis were injured seriously in these attacks. In retaliation for these attacks, the IDF launched a series of counterattacks on residential neighborhoods in Beit Jala, Beit Sahour, and Bethlehem. One foreign national was killed and 36 Palestinians were injured in these counterattacks.

On October 31, in retaliation for the Palestinian killing of two Israeli security guards, the IDF attacked with helicopters PA offices in Ramallah, Nablus, and Gaza. On November 15, the IDF responded with force to many incidents involving Palestinian gunfire directed at Gilo from Beit Jala, killing a foreigner and injuring a number of Palestinians. On October 19, in response to Palestinians shooting at a group of Israeli visitors at Joseph’s Tomb, the IDF used helicopters to attack a nearby Palestinian refugee camp, killing 1 person and injuring several others. On November 20, IDF helicopters launched a series of retaliatory attacks in the Gaza Strip in response to a bomb attack in Gaza that killed 2 persons and injured 9; 50 persons reportedly were injured in the IDF attacks and significant damage was done to a number of PA buildings. On November 24, the IDF fired two tank rounds at the town of Kufr Qalil in retaliation for shots fired on a nearby IDF post by unidentified Palestinian gunmen; two Palestinians were killed by the tank rounds.

The Israeli Government’s imposition of external and internal closures during the “al-Aqsa Intifada” contributed to intermittent shortages of basic food, medical supplies, and gasoline in the West Bank and Gaza.

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Israeli Government generally respects freedom of speech in the occupied territories; however, it maintains a low level of censorship and prohibits public expressions of support for Islamic extremist groups such as HAMAS and other groups dedicated to the destruction of Israel. In March during the Pope’s visit to the region and in October during the “al-Aqsa Intifada,” the Israeli Government reportedly selectively enforced its standing prohibition on the display of Palestinian political symbols, such as flags, national colors, and graffiti in Jerusalem for the first time since 1994. Such displays are punishable by fines or imprisonment, and Israeli security forces reportedly detained and temporarily barred from Jerusalem several Palestinian youths for waving the Palestinian flag. Overall, Israeli censorship of specific press articles continued at a low level; however, the Israeli Government did censor some articles during the year. Israeli authorities monitor Arabic newspapers based in East Jerusalem for security-related issues. Military censors review Arabic publications for material related to the public order and security of Israel. Reports by foreign journalists also are subject to review by Israeli military censors for security issues, and the satellite feed used by many foreign journalists is monitored. The Israeli Government often closes areas to journalists when it imposes a curfew or closure. Israeli authorities have denied entry permits to Palestinian journalists traveling to their place of employment in Jerusalem during closures of the territories; however, the journalists’ Israeli-issued press credentials have not been revoked.

The IDF requires a permit for publications sold in the occupied territories still under its control. Publications may be censored or banned for content deemed anti-Semitic or anti-Israeli. Possession of banned materials is punishable by a fine and imprisonment. During the year, the Israeli Government refused to allow publications, including newspapers, into the Gaza Strip on the Jewish holiday of Yom Kippur.

At least 10 journalists reportedly were hit by IDF gunfire during the “al-Aqsa Intifada,” and 3 other journalists were hit by gunfire from an unknown source (see

Section 1.c.). The IDF reportedly restricted the free movement of mainly Palestinian journalists (see Section 2.d.).

On October 13, in retaliation for the mob lynching of two Israeli reserve soldiers (see Section 1.a.), the IDF launched rockets at the PA's Voice of Palestine radio transmitter in Ramallah. In November the IDF launched rockets against a PA-owned television transmitter in Gaza.

The PA restricted freedom of speech and of the press. In a number of instances during the year, the PA took steps to limit free expression, particularly regarding human rights issues and allegations of corruption. Press freedom is subject to a 1995 press law that does not protect the press adequately. PA security services further stifle the independence of the press by closing down media outlets, banning publications or broadcasts, and periodically harassing or detaining members of the media (see Section 1.d.). Palestinian commentators and human rights groups state that, as a result, the practice of self-censorship by journalists is widespread.

On May 5, PA officials arrested one of the leaders of a teachers' strike and temporarily closed down the radio station that broadcast an interview in which the leader accused the PA of inefficiency. The PA continued to detain the strike leader at year's end. On May 21, the PA closed the Watan and al-Naser television stations and the al-Manara Radio station in Ramallah for nearly 4 days, after the stations broadcast live coverage of an anti-PA demonstration in al-Bireh. On May 31, the PA arrested Samir Qumsiah, chairman of the Union of Private Radio and Television Stations because he had issued a statement criticizing the closing of the stations; the PA released Qumsiah 3 days later.

On May 27, PA officials arrested Fathi Barqawi, a director general of the news department at the Public Broadcasting Corporation in Ramallah after he criticized Chairman Arafat publicly. Barqawi was released a week later following intervention by prominent PA officials.

On June 20, Palestinian police arrested Abd al-Fattah Ghanem, a presidential advisor on refugees, after he criticized the PA for failing to solve the Palestinian refugee problem. Police held Ghanem incommunicado for 7 days and denied him access to legal counsel for the 3 weeks that he was in detention.

During the year, the Palestinian Bar Association (PBA) stripped 31 lawyers of their membership in the association, their right to practice law, and their ability to run in PBA elections. The lawyers reportedly all were outspoken critics of the PA. In May the Palestinian High Court temporarily reversed the decision to strip the lawyers of their PBA membership and their right to practice law. However, on May 17 the PBA placed the director of a West Bank NGO and candidate in the PBA elections on the "non-practicing" register of lawyers, purportedly because he worked for an NGO and not a law office (see Section 4).

In June PA police officials in Ramallah detained Maher Alami, a West Bank journalist, for approximately 1 week. The PA police reportedly warned Alami against writing articles critical of the PA.

After the October 12 brutal killing of two IDF reserve soldiers at a Ramallah police station (see Section 1.a.), Palestinian police confiscated film from several journalists who were at the scene. On October 4, a foreign journalist filmed three members of the Palestinian security forces distributing Molotov cocktails to several children. The security forces detained the journalist and his crew for several hours and destroyed the roll of film.

On November 21, PA security officials detained a Palestinian 2 days after he criticized the peace process. After 21 days of detention, security officials asked him to agree not to speak out against the PA; he did not agree, but was released the same day.

Israeli-imposed closures disrupted the operations of West Bank and Gaza universities, colleges, and schools during the year. Students and staff had difficulty traveling to educational institutions in cities and towns that were closed or placed under curfew by Israeli authorities (see Sections 2.d. and 5). The November 1999 opening of the southern safe passage route between Gaza and the West Bank afforded Gazan students greater ability to pursue their education at West Bank educational institutions. However, during the "al-Aqsa Intifada" the Israeli Government closed the safe passage route, which impeded the ability of Gaza students to attend West Bank universities.

The PA generally has authority over all levels of education in the West Bank and Gaza Strip and it controls the budgets of all public colleges. The PA did not interfere with education in the West Bank and Gaza Strip during the year.

*b. Freedom of Peaceful Assembly and Association.*—The Israeli Government placed limits on freedom of assembly for Palestinians in the occupied territories, largely through the imposition of internal closures and curfews (See Section 2.d.). Israeli military orders ban public gatherings of 10 or more persons without a permit. Since



the 1993 signing of the Declaration of Principles, Israel has relaxed enforcement of this rule, except in cases of Palestinian demonstrations against land seizures or settlement expansions.

Israeli security forces killed more than 225 Palestinian demonstrators and injured more than 11,000 during the year often in the context of violent demonstrations (see Sections 1.a. and 1.c.).

There were several large, peaceful demonstrations of Jewish settlers in the West Bank and Jerusalem during the year.

The PA imposes some formal limits on freedom of assembly; however, while it requires permits for rallies, demonstrations, and large cultural events, these permits rarely are denied. In Gaza police approval is required for "political" meetings at several specific large meeting halls. Written permission also is required for buses to transport passengers to attend political meetings. In West Bank cities, the PA requires permits for outdoor rallies and demonstrations and prohibits calls for violence, displays of arms, and racist slogans, although this is not always enforced.

On February 29, students at Bir Zeit University staged a large protest against PA policies and practices at which several demonstrators threw stones at a foreign head of state. Following the protest, PA police arrested about 30 students (see Section 1.d.). The PA police commissioner also banned unlicensed public gatherings. Several human rights groups and political factions filed a petition with the Palestinian High Court protesting the action. On April 29, the Court suspended the police order and gave the police commissioner 8 days to clarify the reasons for issuing the order. The police order had not been enforced by year's end. In March hundreds of Palestinians demonstrated in Ramallah to demand the release of the Bir Zeit university students.

In May a number of persons participated in a PFLP rally in Ramallah following the funeral of one of its members who died in clashes with the IDF; Palestinian security forces arrested 20 demonstrators (see Section 1.d.).

The Israeli Government generally respected freedom of association.

The PA placed some limits on freedom of association. However, the PA permits Palestinian charitable, community, professional, and self-help organizations to operate. There were periodic complaints during the year from Palestinian political parties, social and professional groups, and other NGO's that the PA attempted to limit their ability to act autonomously. On April 21, the Preventive Security Force ordered the closure of a democratization group office in Gaza because the organization's by-laws reportedly were not in compliance with the NGO law. The office remained closed at year's end (see Section 4).

The armed wings of several Palestinian political groups, including Islamic opposition groups, were outlawed. While it is not illegal to belong to the nonmilitary components of such groups, during times of heightened security concern the PA has harassed and even detained members of the political wings of these organizations.

*c. Freedom of Religion.*—Israeli law provides for freedom of worship, and the Government generally respects this right in practice; it does not ban any group on religious grounds. It permits all faiths to operate schools and institutions. Religious publications are subject to the Publications Laws. However, Israel's imposition of an internal closure on the West Bank and Gaza for 81 days during the "al-Aqsa Intifada" and total curfew on many Palestinian towns significantly impeded freedom of worship for Muslims and Christians. During periods of closure, Palestinians from the occupied territories were prevented from traveling to pray on the Temple Mount (Haram al-Sharif) in Jerusalem, Islam's third holiest site. On several occasions the Israeli Government prevented worshippers under the age of 45 from attending Friday prayers on the Temple Mount; the Israeli Government stated that it did so due to security concerns.

No PA law protects religious freedom; however, the PA generally respects freedom of religion. In past years, there were allegations that several converts from Islam to Christianity at times are subject to societal discrimination and harassment by PA officials. However, there was no pattern of PA discrimination and harassment against Christians (see Section 5).

On October 7, following the IDF evacuation from the Jewish religious site of Joseph's Tomb, about 1,000 Palestinian protesters entered the religious site, burned it, and damaged the roof and an outer wall in an unsuccessful attempt to demolish the tomb (see Section 5). Some Israeli Government officials criticized the PA for failing to prevent the attack. The PA began to refurbish the tomb the following day.

*d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation.*—The Israeli Government restricted freedom of movement for Palestinians. Since March 1993, Israel has required that all West Bank and Gaza residents obtain permits to enter Israel and Jerusalem. However, Israel often denies applicants permits with no explanation, and does not allow effective means of ap-

peal. In the past, Palestinian officials with VIP passes, including PA cabinet officials and members of the Palestinian Council, were subjected to long delays and searches at Israeli checkpoints in the West Bank, despite the fact that they were traveling on special passes issued by Israel. Prior to the beginning of the "al-Aqsa Intifada" in September, there was only one report that this occurred; however, in October and November Palestinian officials were delayed and searched frequently. In general Palestinians in the West Bank and Gaza Strip find it difficult to obtain permits to work, visit, study, or obtain medical care in Israel. Palestinian residents of Jerusalem sometimes are prohibited by Israeli officials from entering the West Bank, and they require written permits from Israel to travel to the Gaza Strip. Prior to the November 1999 opening of the safe passage route, residents of the Gaza Strip rarely were able to obtain permission to travel to the West Bank, or residents of the West Bank to enter the Gaza Strip; this was even true of residents of the West Bank and Gaza Strip who regularly received permission to enter Israel. The PA permits Palestinian charitable, community, professional, and self-help organizations to operate. Israeli authorities permit only a small number of Gazans to bring vehicles into Israel and sometimes do not permit West Bank vehicles to enter Jerusalem or Israel. Except for senior PA officials, and those using the safe passage to the West Bank, Palestinians of all ages crossing between the Gaza Strip and Israel are not permitted to travel by car across the main checkpoint. Instead, they must travel along a narrow walkway almost a mile long. Israelis moving into and out of the Gaza Strip are permitted to use their cars.

In November 1999, Israel and the PA implemented arrangements in the 1995 Interim Agreement to establish a safe passage route across Israel between the Gaza Strip and the southern West Bank. A northern safe passage route, also called for by the Interim Agreement, never was established, despite several rounds of negotiations. The southern safe passage route facilitated the movement of Palestinians between the West Bank and the Gaza Strip to work, study, and visit, and alleviated some of the problems associated with freedom of movement for Palestinians. However, some Palestinian human rights groups criticized the safe passage agreement because it maintains significant limits on freedom of movement. The safe passage route was closed in October in response to the ongoing violence. As of the end of November, a total of 15,000 Palestinians received approval to use the safe passage route and 2,900 applicants were refused permits to use the route.

Since March 1993, Israel also has applied varying levels of "closure," or enhanced restrictions, on the movement of Palestinians and their goods, often for lengthy periods, in response to terrorist attacks and other changing security conditions. During periods of violent protest in the West Bank or Gaza, or when it believes that there is an increased likelihood of such unrest, the Israeli Government imposes a tightened version of closure, called "comprehensive, external" closure. Comprehensive closures also are instituted regularly during major Israeli holidays. During such closures, the Israel Government cancels travel permits and prevents Palestinians—even those with valid work permits—from entering Israel or Jerusalem. During comprehensive closures, the authorities restrict severely the movement of goods between Israel and the occupied territories and between the West Bank and Gaza. On October 8, in response to increased violence, Israel imposed a prolonged comprehensive closure on the occupied territories. Israel imposed 88 days of tightened, comprehensive closure during the year, compared with 15 days in 1999.

During periods of extreme unrest in the West Bank and Gaza, the Israeli Government also prohibits most travel between towns and villages within the West Bank. These "internal" closures impede the flow of goods and persons. Israel imposed at least 81 days of total or near-total internal closure during the year, compared with no days of internal closure during 1999. In the past, Israel rarely imposed internal closure within Gaza; however, for much of November and December, the IDF closed major roads in central Gaza, which blocked transit from the north to the south and stranded thousands of workers and students. Beginning in October, the Israeli Government further constrained the movement of Palestinians in the West Bank and Gaza by imposing total closures on specific areas or villages, sometimes for weeks at a time, and by intermittently closing the Gaza Airport and the Allenby and Rafah crossing points to Jordan and Egypt. Israel also imposed a curfew in the Israeli-controlled part of Hebron. During the curfews, Palestinians generally were confined to their homes for all but a few hours per week during which they were allowed to buy food and other provisions. The IDF did not impose a curfew on the Jewish settlers in Hebron. On December 10, the IDF further restricted freedom of movement by banning private Palestinian cars that contained only men (but no women) from traveling on main roads in Areas B and C. The prolonged closures and curfews imposed by Israel on Palestinian cities and towns during the year had a significant negative impact on every sector of the Palestinian economy. Israel's Ministry of Fi-

nance estimates that since the beginning of the “al-Aqsa Intifada,” there has been a 30 to 50 percent decline in economic output in the occupied territories. Unemployment of Palestinians nearly has quadrupled, the poverty rate has doubled, and income losses were estimated at over \$500 million.

The prolonged closure also affected students’ ability to attend school and university. In areas under curfew, all classes were cancelled (see Section 5). Furthermore, teachers were unable to reach their schools in different villages and towns, and university students were unable to travel between Gaza and the West Bank due to the closure of the safe passage route.

Human rights groups reported that between late September and the end of the year, the IDF delayed or prohibited at least 94 ambulances from crossing checkpoints (see Sections 1.a. and 1.c.). According to the Israeli Government, Israeli ambulances and medical personnel reportedly facilitated the medical evacuation of over 180 Palestinians to Israel, Jordan, and other countries during the violent unrest.

In 1998 the Israeli Government established a “continuous employment program” that allows selected Palestinian workers who have been approved by the Ministry of Defense and who are married, are over 28 years old, and have worked in Israel for a long period of time, to enter Israel to work in the event of a tightened closure. The program was not implemented during the periods of tightened closure during the year.

The Israeli Government continued to restrict the movements of several Jewish settlers living in the occupied territories who belonged to the extremist Kach or Kahane Chai groups, through the use of administrative orders issued by the IDF central command.

The Israeli Government requires all Palestinian residents to obtain permits for foreign travel and has restricted the travel of some political activists. Bridge-crossing permits to Jordan may be obtained at post offices without a screening process. These restrictions on residence, reentry, and family reunification only apply to Palestinian residents of the occupied territories.

Palestinians who live in East Jerusalem, which Israel occupied during the 1967 War, generally do not accept Israeli citizenship. Therefore, they are issued a residence permit or Jerusalem identification card by the Israeli Government. Israel applies the 1952 Law of Permanent Residency and its 1974 amendments to Jerusalem identification card holders. This law stipulates that a Jerusalem resident loses the right of residence if the resident leaves Israeli territory for more than 7 years, acquires the nationality of another country, or acquires permanent residence in another country. Such persons are permitted to return only as tourists and sometimes are denied entry. The Israeli Government does not apply these same restrictions to Israeli citizens. In the past, invoking the 1952 law as legal justification, the Israeli Interior Ministry stripped residency rights from hundreds of East Jerusalem Palestinians. In the late 1990’s, the pace of revocations increased as the Ministry applied restricted policies, including a “center of life” test, which required extensive documentation of continuous residence within Jerusalem for the previous 7 years, to determine whether Palestinians were eligible to retain their identification cards. The Ministry’s policy was the subject of numerous lawsuits, including one considered by the High Court of Justice in 1999. In October 1999, then Minister of Interior, Natan Sharansky announced that the Ministry no longer would apply the “center of life” criteria used previously to revoke the residency rights of East Jerusalem Palestinians. During the year, there were 7 identity card revocations, compared with 394 revocations in 1999. In February the Israeli Ministry of Interior also published new instructions regarding residency rights in Jerusalem. According to these instructions, residents of Israel, whose identity cards had been revoked since 1995 and who returned to live in Israel since 1998 and had “maintained proper contact” were entitled to restoration of their identity cards. During the year, 67 identity cards were restored.

Israeli authorities also place restrictions on family reunification. Most Palestinians who were abroad before or during the 1967 War, or who have lost their residence permits for other reasons since then, are not permitted to reside permanently with their families in Jerusalem or the occupied territories. Foreign-born spouses and children of Palestinian residents also experience difficulty in obtaining permission to reside with their family members. For example, a Palestinian with a West Bank identification card must apply to the Israeli Government for permission to live with his or her Jerusalem-resident spouse in Jerusalem. The Israeli Government occasionally issues limited-duration permits and also issues a limited number of Jerusalem identification cards as part of its family reunification program. Israeli security authorities single out young (often unmarried) Palestinian males for more stringent restrictions than other Palestinians, citing them as more likely to be security risks. They generally are prohibited from working in Israel.

The PA issues passports and identification cards for Palestinians residing in the West Bank and Gaza. Bearers of Palestinian passports do not need special exit permits from the PA; however, when leaving Israel from Ben Gurion Airport they require permits in order to transit Israel to reach the airport.

Palestinians who hold Jerusalem identification cards, issued by the Israeli Government, must obtain travel documents from the Israeli Government to travel abroad. Human rights groups report that Palestinian residents of East Jerusalem often do not apply for Israeli travel documents because they fear that the application might prompt a reexamination of their residency status and lead to the revocation of their identity cards. On request, the Jordanian Government also issues travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. There also is a requirement that Palestinians from East Jerusalem obtain a special permit to cross the Allenby Bridge, which may be purchased from the Ministry of Interior for \$40 (125 NIS). Palestinians who are residents of the West Bank or the Gaza Strip are not allowed to cross between Israel and Jordan at the Sheikh Hussein or Arava crossings.

Palestinians who reside in the West Bank or Gaza are required by the Israeli Government to exit and enter with a Palestinian passport. When Israel tightened its closure of the West Bank and Gaza Strip during the year, the Government at times restricted the entry and departure of Palestinians, even those with passports from other countries.

The PA generally does not restrict freedom of movement.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Palestinian residents of the West Bank, Gaza Strip, and East Jerusalem chose their first popularly elected government in 1996. They elected an 88-member Palestinian Council and the Ra'is (President or Chairman) of the Executive Authority of the Council. Yasir Arafat won almost 89 percent of the vote in a two-person race for Chairman. Some 700 candidates ran for Council seats. Council members were elected in multimember electoral districts. As many as 35 of the elected members were independent candidates. International observers concluded that the election could reasonably be regarded as an accurate expression of the will of the voters, despite some irregularities. During the year, the Council debated numerous draft laws and resolutions. Some members of the Council complained of its relative lack of power in relation to the executive branch of government.

The last municipal elections took place in 1986. Municipal elections were planned for June 1999; however, they did not take place. On August 22, the Fatah Central Committee (FCC) appointed a committee to devise a plan for holding local elections before year's end; however, the PLO Central Council did not ratify the plan.

Most Palestinians in East Jerusalem do not recognize the jurisdiction of the municipality of Jerusalem. Only a very small percentage of Jerusalem's Palestinian population vote in the municipal council elections. No Palestinian resident of Jerusalem sits on the city council.

Women are underrepresented in government and politics. There are 5 women in the 88-member Council, and 1 woman serves in a ministerial-level position.

### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Israeli, Palestinian, and international NGO's monitor the Israeli Government's human rights practices. The Israeli Government generally cooperates with human rights and humanitarian NGO's; officials normally agree to meet with human rights monitors. The Israeli Government permits human rights groups to publish and hold press conferences. On April 4, the Israeli Government refused to allow a Palestinian human rights activist to travel to Cairo, Egypt for a regional meeting on human rights; however, several months later the Government allowed the activist to attend a meeting outside of the country (see Section 2.d.).

On October 17, pursuant to the meeting in Sharm al-Sheikh, a fact-finding committee was established to examine the causes of the violent events that began in late September, and to recommend ways to prevent their recurrence. The committee began its work in December.

Local human rights groups, most of which are Palestinian, and several international organizations monitor the PA's human rights practices. The PA generally cooperates with these organizations, and PA officials usually meet with their representatives; however, there were instances in which it did not. Several Palestinian human rights organizations work privately with the PA to overcome abusive practices in certain areas. They also publish criticism if they believe that the PA is not

responding adequately to private encouragement. Human rights groups state that the PA generally is cooperative when dealing with certain types of human rights issues. Human rights organizations reported that they sometimes were denied access to detainees in Palestinian prisons during the year (see Section 1.d.).

The ICRC operates in the West Bank and Gaza under the terms of a memorandum of understanding signed in September 1996 between the ICRC and the PLO. The memorandum accords the ICRC access to all detainees held by the PA and allows regular inspections of prison conditions. In accordance with the agreement, the ICRC conducts routine visits of PA-run prison facilities and sees PA-held prisoners throughout the year. Other human rights groups, including the Palestinian Independent Commission for Citizens' Rights and the Mandela Institute, also visited PA prisons and detention centers on a regular basis. Some human rights and international humanitarian organizations reported that they occasionally were denied access to detainees in Palestinian prisons during the year (see Section 1.d.). PA officials reportedly are less responsive to queries regarding the PA's policies toward and treatment of members of Islamist opposition groups than to queries on other detainees.

In 1999 Palestinian NGO's repeatedly called on the PA to ratify a law passed by the Council in December 1998, which would govern the activities of NGO's and their relations with the PA. Ratification of the law was delayed due to the PA's attempts to replace the Ministry of Justice with the Ministry of Interior as the agency responsible for the administration of NGO's. In January Chairman Arafat approved the NGO law. At least 150 NGO's had been issued with registration certificates by year's end.

On April 21, PSF officials closed a democratization group office in Gaza because the NGO was not yet registered with the Ministry of Interior (see Section 2.b.). After repeated unsuccessful attempts to reopen the office, board members decided to close the office permanently.

On May 17, the PBA placed the director of a West Bank NGO on the "non-practicing" register of lawyers reportedly because he worked for an NGO and not a law office.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

Under the complex mixture of laws and regulations that apply to the occupied territories, Palestinians are disadvantaged under Israeli law and practices compared with the treatment received by Israeli settlers. This includes discrimination in residency and land use.

*Women.*—The problems of rape, domestic violence, and violence related to "family honor" have gained greater attention in the Palestinian community as a result of a significant effort by Palestinian women's groups; however, public discussion generally remains muted. Victims often are encouraged by relatives to remain quiet and are punished themselves or blamed for the "shame" that has been brought upon them and their families. The brother of a 14-year-old girl who reportedly was raped and killed by her uncle and brother in 1998 still was awaiting trial at year's end. Women's groups seek to educate women on these problems, but women's rights advocates claim that few resources are available to shelter the victims of violence because women's shelters are not accepted culturally in Palestinian society. They also maintain that society has not been receptive to providing counseling or outreach services to victims of violence, which these advocates see as more widespread than is acknowledged. According to women's groups, there are no reliable data on the incidence of violence against women. Spousal abuse, sexual abuse, and "honor killings" occur, but societal pressures prevent most incidents from being reported and most cases are handled within the families concerned, usually by male family members. In prior years, leaders of HAMAS threatened and tried to intimidate Palestinian women who were involved in programs aimed at empowering women and helping abused women; there were no reports that this occurred during the year.

Palestinian women endure various forms of social prejudice and repression within their own society. Because of early marriage, girls frequently do not finish the mandatory level of schooling. Cultural restrictions sometimes prevent women from attending colleges and universities. While there is an active women's movement in the West Bank, serious attention has shifted only recently from nationalist aspirations to issues that greatly affect women, such as domestic violence, equal access to education and employment, and laws concerning marriage and inheritance. Women who marry outside of their faith, particularly Christian women who marry Muslim men, often are disowned by their families and sometimes are harassed and threatened with death by members of their community. Local officials sometimes attempt to convince such women to leave their communities in order to protect themselves.

A growing number of Palestinian women work outside the home, where they tend to encounter discrimination. There are no special laws that provide for women's rights in the workplace. Women are underrepresented in most aspects of professional life. Despite the fact that there is a small group of women who are prominent in politics, medicine, law, teaching, and NGO's, women for the most part are seriously underrepresented in the decisionmaking positions in these fields.

Personal status law for Palestinians is based on religious law. For Muslim Palestinians, personal status law is derived from Shari'a (Islamic law), and the varied ecclesiastical courts rule on personal status issues for Christians. In the West Bank and Gaza, Shari'a pertaining to women is part of the Jordanian Status Law of 1976, which includes inheritance and marriage laws. Under the law, women inherit less than male members of the family do. The marriage law allows men to take more than one wife, although few do so. Women are permitted to make "stipulations" in the marriage contract to protect them in the event of divorce and questions of child custody. However, only an estimated 1 percent of women take advantage of this section of the law, leaving most women at a disadvantage when it comes to divorce or child custody. Ecclesiastical courts also often favor men over women in divorce and child custody cases.

*Children.*—The PA requires compulsory education up to 12 years of age. However, early marriage in certain sectors of society frequently prevents girls from completing the mandatory level of schooling. Currently British Mandate, Jordanian, and military laws, from which West Bank and Gaza law is derived, offer protection to children under the Labor and Penal Codes. Existing laws designed to protect children, such as a law that sets the minimum employment age, are not always enforced. While there is no juvenile court system, judges specializing in children's cases generally sit for juvenile offenders. In cases in which the child is the victim, judges have the discretion to remove the child from a situation deemed harmful. However, the system is not advanced in the protection it affords children.

The sustained closure imposed by Israel affected students' ability to attend school during the year. In areas under curfew, all classes were cancelled. Furthermore, teachers were unable to reach their schools in different villages and towns (see Section 2.d.).

*People with Disabilities.*—There is no mandated accessibility to public facilities in the occupied territories under either Israeli or Palestinian authority. Approximately 130,000 Palestinians in the West Bank and Gaza are disabled. Additionally, medical relief organizations estimated that approximately one-sixth of the 10,600 Palestinians injured during the "al-Aqsa Intifada" would be disabled permanently. Some Palestinian institutions care for and train disabled persons; however, their efforts are chronically underfunded. Many Palestinians with disabilities are segregated and isolated from Palestinian society; they are discriminated against in most spheres, including education, employment, transportation, and access to public buildings and facilities.

*Religious Minorities.*—In the past, there were reports that a small number of Muslim converts to Christianity in the Palestinian community sometimes were subject to societal discrimination and harassment by PA officials. However, there was no pattern of PA discrimination and harassment against Christians (see Section 2.c.).

On October 7, following the IDF withdrawal from the Jewish religious site of Joseph's Tomb, about 1,000 Palestinian protesters entered the religious site, burned it, and damaged the roof and an outer wall in an unsuccessful attempt to demolish the tomb (see Section 2.c.). On October 12, Palestinian civilians reportedly burned a synagogue in Jericho.

On November 21, Israeli settlers set a mosque on fire in Huwara, reportedly in reaction to the killing of an Israeli settler by a settler earlier in the day.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Labor affairs in the West Bank came under Palestinian responsibility with the signing of the Interim Agreement in September 1995. Until a new law being drafted by PA authorities comes into effect, labor affairs in the West Bank are governed by Jordanian Law 21 of 1965, as amended by Israeli military orders, and in Gaza by PA decisions. The law permits workers to establish and join unions without government authorization. The previous Israeli requirement that all proposed West Bank unions apply for a permit no longer is enforced. Israeli authorities previously licensed about 35 of the estimated 185 union branches now in existence. Following a process to consolidate trade unions in the West Bank, there now are 12 trade unions there.

Palestinian workers in Jerusalem are governed by Israeli labor law. They are free to establish their own unions. Although the Government restricts Jerusalem unions

from joining West Bank trade union federations, this restriction has not been enforced. Palestinian workers in Jerusalem may belong simultaneously to unions affiliated with West Bank federations and the Israeli Histadrut Labor Federation.

West Bank unions are not affiliated with the Israeli Histadrut Federation. Palestinians from the West Bank and Gaza who work in Israel or Jerusalem are not full members of Histadrut, but they are required to contribute 1 percent of their wages to Histadrut. Negotiations between Histadrut and West Bank union officials to return half of this fee to the Palestinian Union Federation were completed in 1996, but funds have yet to be transferred.

Palestinians who work in Israel are required to contribute to the National Insurance Institute (NII), which provides unemployment insurance and other benefits. Palestinians from the West Bank and Gaza are eligible for some, but not all, NII benefits. According to the Interim Agreement, Palestinians working in Israel and Jerusalem continue to be insured for injuries occurring in Israel, the bankruptcy of a worker's employer, and allowances for maternity leave.

There are outstanding cases of Palestinian workers who have attempted to sue their Israeli employers for non-payment of wages but are unable to travel to the relevant courts because they are unable to receive the proper permits.

The great majority of West Bank unions belong to the Palestinian General Federation of Trade Unions (PGFTU). The PGFTU was involved in the completion of the negotiations with Histadrut regarding workers' fees. The reorganization of unions under the PGFTU is intended to enable the West Bank and Gaza unions to better represent the union members' interests; the reorganization had not been finalized by year's end.

An estimated 92,000 workers in the West Bank are members of the PGFTU, the largest union bloc, which consists of 12 trade unions in the West Bank and 8 in Gaza. The organization has about 46,500 members in Gaza. The PGFTU estimates actual organized membership, i.e., dues-paying members, at about 30 percent of all Palestinian workers.

No unions were dissolved by administrative or legislative action during the year. Palestinian unions that seek to strike must submit to arbitration by the PA Ministry of Labor. If the union disagrees with the final arbitration and strikes, a tribunal of senior judges appointed by the PA decides what, if any, disciplinary action is to be taken. There are no laws in the territories that specifically protect the rights of striking workers. In practice, such workers have little or no protection from an employer's retribution.

For several months, teachers throughout the West Bank held a strike. On May 5, PA officials arrested one of the strike leaders and closed down the radio station that broadcast an interview in which the leader accused the PA of inefficiency (see Sections 1.d. and 2.a.). The teachers suspended their strike on May 17, despite the fact that none of their demands were met.

The PGFTU has applied for membership in the International Confederation of Free Trade Unions (ICFTU).

*b. The Right to Organize and Bargain Collectively.*—A majority of workers in the occupied territories are self-employed or unpaid family helpers in agriculture or commerce. Only 35 percent of employment in the territories consists of wage jobs, most with the U.N. Relief and Works Agency (UNRWA), the PA, or municipalities. Collective bargaining is protected. Labor disputes are adjudicated by committees of 3 to 5 members in businesses employing more than 20 workers.

Existing laws and regulations do not offer real protection against antiunion discrimination.

*c. Prohibition of Forced or Compulsory Labor.*—PA law does not prohibit specifically forced or compulsory labor, including by children, but there were no reports of such practices during the year.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The minimum working age in the West Bank and Gaza is 14 years. Most observers agree that a significant number of Palestinian children under the age of 16 years work. Many children under the age of 12 are engaged in some work activities. Most such employment is believed to involve work on family farms, in family shops, or as urban street vendors. Some employment of children also is reported to occur in small manufacturing enterprises, such as shoe and textile factories. The law does not prohibit specifically forced or compulsory labor by children, but there were no reports of its use (see Section 6.c.).

The PA's capacity to enforce existing laws is limited. It has only 40 labor inspectors to inspect an estimated 65,000 enterprises. The International Labor Organization and UNICEF are working with the PA to study the nature and extent of the problem and to develop the capacity to enforce and update child labor laws.

*e. Acceptable Conditions of Work.*—There currently is no minimum wage in the West Bank or Gaza Strip. The average wage for full-time workers appears to provide a worker and family with a decent standard of living.

In the West Bank, the normal workweek is 48 hours in most areas; in Gaza the workweek is 45 hours for day laborers and 40 hours for salaried employees. There is no effective enforcement of maximum workweek laws.

The PA Ministry of Labor is responsible for inspecting workplaces and enforcing safety standards in the West Bank and Gaza. The Ministry of Labor states that new factories and workplaces meet international health and safety standards but that older ones fail to meet minimum standards. There is no specific legal protection afforded workers that allows them to remove themselves from an unhealthy or unsafe work setting without risking loss of employment.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, through, or from the occupied territories.

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## JORDAN

The Hashemite Kingdom of Jordan is a constitutional monarchy ruled by King Abdullah II bin Hussein since the death of his father, King Hussein bin Talal, in February 1999. The Constitution concentrates a high degree of executive and legislative authority in the King, who determines domestic and foreign policy. In the King's absence, a regent, whose authority is outlined in the Constitution, assumes many of these responsibilities. The Prime Minister and other members of the Cabinet are appointed by the King and manage the daily affairs of government. The Parliament consists of the 40-member Senate, appointed by the King, and the 80-member Chamber of Deputies, which is elected every 4 years. The lower house asserts itself only intermittently on domestic and foreign policy issues. The 1997 parliamentary elections were marred by reports of registration irregularities, fraud, and restrictions on the press and on campaign materials. According to the Constitution, the judiciary is independent of other branches of government; however, in practice it is susceptible to political pressure and interference by the executive.

General police functions are the responsibility of the Public Security Directorate (PSD). The PSD, the General Intelligence Directorate (GID), and the military share responsibility for maintaining internal security, and have authority to monitor the activities of persons believed to be security threats. Elements of the security forces continue to commit human rights abuses.

Jordan has a mixed economy, with significant but declining government participation in industry, transportation, and communications. The country has few natural resources and relies heavily on foreign assistance and remittances from citizens working abroad. During the year, the Government took steps to increase privatization and to improve the country's investment climate during the year. For example, in April the country acceded to the World Trade Organization, which entailed extensive legislative and regulatory reform. However, the economy continues to suffer from chronically high unemployment, and GDP growth has remained between 1 and 2 percent since 1996. Price controls remain on bread, pharmaceuticals, gasoline, and animal feed. Wages remain stagnant. International sanctions against Iraq, historically the country's largest trading partner, continue to inhibit export growth. Violence in the occupied territories late in the year adversely affected the tourist industry, and many foreign investment projects were frozen. Per capita gross domestic product in 1999 was approximately \$1,542 (1,086 dinars). Many families, especially those in rural areas, are unable to meet basic needs to subsist.

There continued to be significant problems in the Government's human rights record. There are significant restrictions on citizens' right to change their Government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister and Cabinet, to dissolve Parliament, and to establish public policy. Other human rights problems include extrajudicial killings by members of the security forces, police abuse and mistreatment of detainees; allegations of torture; arbitrary arrest and detention; lack of transparent investigations and accountability within the security services; prolonged detention without charge; lack of due process of law and interference in the judicial process; infringements on citizens' privacy rights; harassment of members of opposition political parties and the press; and significant restrictions on freedom of speech, press, assembly, and association. The 1999 Press and Publications Law reduced somewhat the restrictions outlined in previous legislation on the ability of journalists and publications to func-



tion and report freely; however, significant restrictions continued to be in effect. The Government imposes some limits on freedom of religion, and there is official and societal discrimination against adherents of unrecognized religions. The evangelical Christian community reported fewer incidents of governmental harassment during the year. There are some restrictions on freedom of movement. Violence against women, restrictions on women's rights, and societal discrimination against women are problems. The law still allows for reduced punishments for violent "honor crimes" against women for alleged immoral acts. Child abuse remains a problem, and discrimination against Palestinians persists. Abuse of foreign servants is a problem.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killings.*—There were no reports of political killings by government officials; however, security forces committed several extrajudicial killings.

In January police reportedly beat Mar'i Khalil Al-Jahrán in a South Shuna police station, where he bled to death.

In March security forces fired at a group of villagers of the Bedul Tribe near Petra, killing a 21-year-old man and 2 teenagers. The villagers were protesting the demolition of a home by members of the Petra Regional Authorities; the home reportedly was built illegally on government-owned land. The Ministry of Interior stated that security forces acted in self-defense after villagers, armed with sticks, stones, and firearms attacked a group of officials from the Petra Regional Council who were attempting to carry out the demolition order. Following the incident, the Government stated that it would investigate and punish those responsible for the violence; however, by year's end, the Government had not taken legal action against any party. The Government did not launch an official investigation of the incident; however, King Abdullah offered the villagers an extensive compensation package, including economic assistance and increased land for housing.

In May police reportedly beat Musa Shalback in Hai Nazal after pursuing him for allegedly stealing a car and hitting two pedestrians. According to eyewitnesses, police handcuffed Shalback, severely beat him, and subsequently took him to a local hospital. Shalback was in a coma when he arrived to the hospital where he died from his injuries 10 days later. The Government stated that Shalback died as a result of injuries sustained in a car crash that followed the pursuit. By year's end, the Government had not responded to diplomatic inquiries about this case.

On October 6, police used batons and tear gas to disperse protesters in Baqaa refugee camp; one person was killed and six others were injured during the protest. Protesters claim that police caused the death and injuries, while police personnel claim that the demonstrators caused the fatalities (see Sections 1.c. and 2.b.).

On July 20, 16-year-old Amjad Salem Ahmad Smadi died at a police station in Ajloun 45 minutes after police officers placed him in custody for suspected robbery. Government officials initially reported that Smadi hanged himself; however, family members and other residents of Ajloun demanded an investigation into the death. In response the Government formed an ad-hoc parliamentary committee to look into the incident and transferred the police officers and the local prosecutor to another part of the country. An unpublished forensics report supported the original autopsy's conclusion that the death was a suicide; however, the report also stated that Smadi was beaten prior to his death. Human rights activists and family members believe that the boy died as a result of the beatings and subsequently was hanged to make it appear as if he had committed suicide. Neither diplomatic representatives nor human rights activists were able to uncover evidence to support either the family's claims or to refute the Government's position.

The security services continue to be reluctant to conduct transparent investigations into allegations of wrongful deaths that occurred during police detention in previous years, thus promoting a climate of impunity.

There were no developments in the investigation of the May 1999 death of Mahmoud Rashid Qasem Mohammed Ishtayeh, who died in a hospital while in police custody. His family claimed that he died of injuries suffered during a beating; however, prison officials maintained that Ishtayeh died of natural causes.

There were no developments in the investigation of the police officers who killed Maseed tribesmen in March 1998 or Mohammad Al-Khattub and Ismail Suleiman Ajarmeh in February 1998.

Women continued to be victims of "honor killings" (see Section 5).

*b. Disappearance.*—There were no reports of politically motivated disappearance.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The law provides prisoners with the right to humane treatment; however, the police and security forces sometimes abuse detainees physically and verbally during detention and interrogation and allegedly also use torture. Allegations of torture are difficult to verify because security officials frequently deny detainees timely access to lawyers. The most frequently alleged methods of torture are sleep deprivation, beatings on the soles of the feet, prolonged suspension with ropes in contorted positions, and extended solitary confinement. Defendants in high-profile cases before the State Security Court claimed to have been subjected to physical and psychological abuse while in detention. Government officials deny allegations of torture and abuse.

A number of cases of beatings while in police custody were reported to human rights activists during the year. Human rights activists believe that there were many more incidents that were not documented. Iraqi weightlifter Kazem Dashi claimed that he was beaten and intimidated during his April detention (see Section 1.d.). Musa Shalback died in a hospital in March 10 days after police reportedly beat him in Hai Nazal (see Section 1.a.). Periodic detentions of foreign workers continue and allegations of overcrowded cells and physical abuse by guards persist.

Police on several occasions used force to disperse demonstrations during the year (see Sections 1.a. and 2.b.). For example, in April newspapers reported that police used excessive force to disperse student demonstrations at Jordan University, injuring a number of protesters. The students were protesting the administration's recent changes to the university's student council law, which were designed to curb the influence of Islamists (see Section 2.c.).

On several occasions in October, police used force to disperse large violent protests against the Israeli Government's actions in Israel and the occupied territories (see Section 2.b.). For example, on October 6, police used batons and tear gas to disperse protesters from Baqaa refugee camp; one person was killed and six were injured during the protest (see Sections 1.a. and 2.b.). Protesters claimed that police caused the death and injuries, while police personnel claimed that the demonstrators caused the fatalities. On October 8, police used batons against at least five persons at a demonstration at Jordan University. On October 24, police used tear gas and water cannons to disperse a demonstration of between 20,000 and 30,000 persons who were approaching a heavily mined border area. Police injured a number of persons, including a journalist covering the protest (see Section 2.a.).

On August 7, a small group of Palestinians attacked an Arab member of the Israeli Parliament at the Baqaa refugee camp. Police personnel immediately escorted him away from the area. On November 19, an unknown assailant shot and injured an Israeli diplomat. On December 5, unknown gunmen shot and injured a second Israeli diplomat. In December police officials arrested seven persons allegedly connected to these attacks.

Prisons and local police detention facilities are Spartan, and on the whole are severely overcrowded and understaffed. Human rights groups and prisoners complained of poor food and water quality, inadequate medical facilities, and poor sanitation in certain facilities. During the year, the Government opened a new prison facility in an attempt to alleviate somewhat the problem of overcrowding.

The Government holds some of the prisoners who are detained on national security grounds in separate detention facilities maintained by the GID. The Government holds other security detainees and prisoners in regular prisons. Conditions in GID detention facilities are significantly better than general police detention facilities. The security prisoners often are separated from common criminals; however, conditions for them do not differ significantly.

With some exceptions, the International Committee of the Red Cross (ICRC) is permitted unrestricted access to prisoners and prison facilities, including GID facilities. In 1999 the Government formally granted the U.N. High Commissioner for Refugees (UNHCR) access to prisoners. However, the Government did not inform the UNHCR of the presence of seven Libyan security detainees prior to their deportation from the country, which effectively denied the UNHCR access to the detainees (see Section 2.d.). Local human rights monitors are allowed to visit prisons, but complain that the authorities require them to undertake a lengthy and difficult procedure in order to obtain permission for such visits.

*d. Arbitrary Arrest, Detention, or Exile.*—The security forces arbitrarily arrest and detain citizens. Under the Constitution, citizens are subject to arrest, trial, and punishment for the defamation of heads of state, dissemination of "false or exaggerated information outside the country that attacks state dignity," or defamation of public officials.

The Criminal Code requires that police notify legal authorities within 48 hours of an arrest and that legal authorities file formal charges within 10 days of an arrest; however, the courts routinely grant requests from prosecutors for 15-day exten-

sions as provided by law. This practice generally extends pretrial detention for protracted periods of time. In cases involving state security, the authorities frequently hold defendants in lengthy pretrial detention, do not provide defendants with the written charges against them, and do not allow defendants to meet with their lawyers until shortly before trial. Defendants before the State Security Court usually meet with their attorneys only 1 or 2 days before their trial.

The Government detains persons, including journalists, for varying amounts of time for what appear to be political reasons (see Section 2.a.). Human rights sources reported that more than 500 persons were detained for security reasons and subsequently released within a short period of time throughout the year. This number likely underestimates the total number of political detainees. Human rights groups report that there are a smaller number of long-term political detainees.

Local governors have the authority to enact the 1954 Preventing Crimes Law, which allows them to place citizens under house arrest for up to a year without formally charging them (see Section 2.d.). House arrest may involve requiring persons to report daily to a local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

In April the GID arrested Hassan Mahmoud Abdullah Abu Hanieh and held him without charge, legal representation, or access to the government prosecutor for 20 days (see Sections 1.f. and 2.d.).

On April 13, the GID allegedly detained without charge Iraqi weightlifter Kazem Dashi at the Al-Ruwayshid border point; the GID released Dashi the same day. Dashi claimed that he was beaten and intimidated during his interrogation in GID custody (see Section 1.c.). The Government denied the allegations.

In July the GID detained 12 persons from Salt without charge, allegedly for security reasons. The Government stated that some of the detainees were arrested because they were "religious individuals" and that some were members of political parties. In December the Government released all of the detainees; 4 of the 12 were charged after admitting that they had planned terrorist activities and were required to post bail.

In October following widespread protests against the Israeli Government's actions in Israel, the West Bank, and Gaza, police detained hundreds of persons. Police did not charge most of the demonstrators and released them within 1 day.

The Government uses the threat of detention to intimidate journalists into practicing self-censorship (see Section 2.a.). In past years, police typically detained for 5 to 10 days numerous journalists who criticized government officials or policies; some of the journalists experienced abuse. When the Government did file charges, convictions were rare; however, some proceedings lasted several years with defendants required to appear in court regularly. During the year, police arrested at least one journalist because of an article he wrote (see Section 2.a.).

There was no further information on Basil Abu Ghoshe, who continued to be detained despite having completed his sentence in 1998, ostensibly for his own protection due to threats from a rival tribe.

The security services detained approximately 50 persons, described in the press as "Islamists," during the year. These detentions were related to allegations of involvement in terrorist or strictly political activities.

The Constitution prohibits the expulsion of any citizen, and the Government does not routinely use forced exile; however, in 1999 the Government allegedly expelled four HAMAS leaders, who subsequently filed an appeal to reverse the expulsion. On June 25, the High Court rejected on technical grounds an appeal by the defendants' attorney to reverse the alleged order of expulsion. The case was considered closed at year's end.

*e. Denial of Fair Public Trial.*—The Constitution provides for the independence of the judiciary; however, the judiciary is subject to pressure from the executive branch. A judge's appointment to, advancement within, and dismissal from the judiciary are determined by a committee whose members are appointed by the King. The Ministry of Justice has great influence over a judge's career and subverts the judicial system in favor of the executive branch. There have been numerous allegations that judges have been "reassigned" temporarily to another court or judicial district in order to remove them from a particular proceeding. Judges also complain of unlawful telephone surveillance.

The judicial system consists of several types of courts. Most criminal cases are tried in civilian courts, which include the appeals courts, the Court of Cassation, and the Supreme Court. Cases involving sedition, armed insurrection, financial crimes, drug trafficking, and offenses against the royal family are tried in the State Security Court. In 1997 the Parliament passed amendments to the law governing the State Security Court that effectively extended its mandate indefinitely. The

amendments had been rejected earlier by the lower house's judicial committee as "undemocratic" and contrary to the principle of judicial independence.

Shari'a (Islamic law) courts have jurisdiction over marriage and divorce among Muslims and inheritance cases involving both Muslims and non-Muslims. Christian courts have jurisdiction over marriage and divorce cases among Christians, but apply Shari'a law in inheritance cases (see Section 5).

Most trials in the civilian courts are open. Defendants are entitled to legal counsel, may challenge witnesses, and have the right to appeal. Defendants facing the death penalty or life imprisonment must be represented by legal counsel. Public defenders are provided if the defendant in such cases financially is unable to hire legal counsel. Shari'a as applied in the country regards the testimony of a woman to be equal to half that of a man. This provision technically applies only in religious courts; however, in the past it has been imposed in civil courts as well, regardless of religion.

The State Security Court consists of a panel of three judges who may be either civilians or military officers. Sessions frequently are closed to the public. Defendants tried in the State Security Court often are held in pretrial detention without access to lawyers, although they may be visited by representatives of the ICRC. In the State Security Court, judges have inquired into allegations that defendants were tortured and have allowed the testimony of physicians regarding such allegations. The Court of Cassation has ruled that the State Security Court may not issue a death sentence on the basis of a confession obtained as a result of torture. Defendants in the State Security Court have the right to appeal their sentences to the Court of Cassation, which is authorized to review issues of both fact and law. Appeals are automatic for cases involving the death penalty.

In the past, defense attorneys have challenged the appointment of military judges to the State Security Court to try civilian cases as contrary to the concept of an independent judiciary. Military judges appear to receive adequate training in civil law and procedure.

In the past, the press routinely carried details of cases tried before the State Security Court, despite 1998 provisions in the Press and Publication Law that prohibited press coverage of any case that was under investigation, unless expressly permitted by the authorities. The 1999 Press and Publications Law permits journalists to cover court proceedings "unless the court rules otherwise" (see Section 2.a.). There was press coverage of trials in the State Security Court during the year.

On September 18, the Security Court convicted 22 suspected members of the "Al-Qaeda" terrorist network of planning attacks at tourist sites around the country during millennium celebrations. The court sentenced 6 of those convicted to death and 16 to prison sentences ranging from 7 years to life.

In 1999 the Government expelled four HAMAS leaders (see Section 1.d.); there were credible reports of executive branch influence with respect to the verdict. On June 25, the High Court rejected on technical grounds an appeal by the defendants' attorney to reverse the order of expulsion. The case was considered closed at year's end.

In late 1999, lawyers refused to represent an Israeli citizen who was accused of forging official documents. The court convicted him and he was sentenced to 1 year in prison.

There were no reports of political prisoners.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution requires that security forces obtain a warrant from the Prosecutor General or a judge before conducting searches or otherwise interfering with these rights, and the security services generally respect these constitutional restrictions; however, in security cases, the authorities sometimes—in violation of the law—obtain warrants retroactively or obtain preapproved warrants. Security officers monitor telephone conversations and Internet communication, read correspondence, and engage in surveillance of persons who are considered to pose a threat to the Government or national security. The law permits these practices if the Government obtains a court order. Judges complain of unlawful telephone surveillance (see Section 1.e.).

In June the GID confiscated without a warrant a box of publications from Hassan Mahmoud Abdullah Abu Hanieh, detained him without charge for 20 days, then placed him under house arrest (see Sections 1.d. and 2.d.).

The Government did not block the entry of foreign publications (see Section 2.a.).

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of speech and of the press; however, the Government imposes some restrictions on these rights.

The 1998 Press and Publications Law and the 1999 revisions to the law, combined with the 1998 Press Association Law, impose stringent restrictions on the operation of newspapers. The Government also intimidates journalists to encourage self-censorship. Private citizens may be prosecuted for slandering the royal family, the Government, or foreign leaders, and for "sowing sedition." The Press and Publications Law and the law governing the Jordan Press Association (JPA) require membership in the JPA for persons to be considered "legal" journalists or editors, thus potentially excluding dozens of practicing journalists from the profession. The JPA uses its authority to enforce bans on journalists receiving funding from foreign sources or having Israeli contacts (see Section 4). In August 1999, then Prime Minister Abdul Raouf Rawabdeh issued an order directing government offices to cooperate only with JPA members. Citizens generally do not hesitate to criticize the Government openly, but are more circumspect in regard to the King and the royal family.

The 1998 Press and Publications Law granted the Government wide discretionary powers to issue fines, withdraw licenses, and order shutdowns, which enabled it to control the editorial content of newspapers. The law also prohibited reporting on criminal cases or crimes at any stage of the investigation without prior authorization from the public prosecutor. However, the 1999 amendments to the Press and Publications Law, limit somewhat the Government's discretion to issue fines, transfer the power to withdraw licenses to the judiciary, limit significantly the Government's power to order shutdowns, and allow journalists to cover court proceedings "unless the court rules otherwise." The 1999 amendments to the Press and Publications Law also reduce the fine for violations at between \$700 and \$1,400 (500 to 1,000 dinars), down from between \$7,000 and \$14,000 (5,000 and 10,000 dinars) under the 1998 Press and Publications Law (see Section 1.e.). It was illegal under the 1998 Press and Publications Law to publish news, opinion, information, reports, caricatures, or photos that disparage the King or the royal family, pertain to the armed forces or security services, harm national unity, disparage religion, offend an individual or harm his reputation, disparage the heads of friendly states, harm the country's relations with other nations, promote perversion or lead to moral corruption, shake confidence in the national currency, or feature false news or rumors. Although these restrictions were modified by the 1999 amendments to the Press and Publications Law, prohibitions on such activities still exist in the Penal Code and a number of other laws.

According to the 1999 Press and Publications Law, all publications must be licensed by the Government. The law provides that those who seek to obtain a newspaper license must show proof of capital of \$700,000 (500,000 dinars) for a daily newspaper, \$70,000 (50,000 dinars) for most other publications, and \$7,000 (5,000 dinars) for specialized publications. The law also requires that the editor in chief of a newspaper be a citizen who permanently resides in the country and a member of the JPA for at least 4 years. This last provision reflects a reduction in the requirements from previous legislation but places the onus of regulation on the JPA.

Persons accused of violating the Press and Publications Law are tried in a special court for press and copyright cases. Journalists also may be prosecuted for criminal and security violations in connection with their work. Although a substantial number of cases are dismissed before trial, many other cases linger in the courts for years. The Government routinely uses detention and prosecution or the threat of prosecution to intimidate journalists and thereby successfully encourages self-censorship (see Section 1.d.).

The Penal Code authorizes the State to take action against any person who incites violence, defames heads of state, disseminates "false or exaggerated information outside the country that attacks state dignity," or defames a public official.

In January security forces arrested engineering student Asim Ogla Al-Maghayirah from the University of Science and Technology, accusing him of affiliation with a banned political party (Al-Tahrir) and distributing illegal pamphlets (see Section 2.b.).

On May 25, police arrested Basil Talluzi, a freelance journalist and short-story writer for the independent weekly newspaper *Al-Mir'ah* (The Mirror), for writing a satirical article about leaders in the Arab world (see Section 1.d.). Talluzi was released the next day and reported that he was not mistreated while in detention. The JPA claimed credit for obtaining Talluzi's prompt release.

In October police reportedly beat and confiscated the film of a reporter covering a demonstration against the Israeli Government's actions in Israel and the occupied territories. The police officer reportedly apologized and returned the film to the journalist the next day (see Sections 1.c. and 2.b.).

In September the JPA voted to expel Nidal Mansour, its own vice president and the president of a nongovernmental organization (NGO), the Center for Defending Freedom of Journalists (CFJ). Mansour allegedly received foreign funding for CFJ

activities (see Section 4). As a result of his expulsion from the JPA, Mansour was not permitted to keep his position as editor in chief of Al-Hadath newspaper. The Jordan Times, an English language newspaper, published an article criticizing the JPA's expulsion of Mansour. The JPA threatened the editor in chief of the Jordan Times with disciplinary measures; she subsequently published an apology letter. In October Mansour filed a complaint to the High Court of Justice; the court suspended the expulsion order pending review of the case.

In 1999 a columnist of Al-Arab Al-Yawm newspaper wrote an article that was critical of the JPA. The JPA subsequently suspended for 2 years the newspaper's editor in chief, Azzam Yunis, along with three other journalists. June Yunis appealed the action; however, his request was denied.

In March the Government banned a book of poems written by Musa Hawamdeh due to pressure from radical Islamists. In June the Shari'a court charged Hawamdeh with apostasy. The complainant requested that Hawamdeh publicly retract the controversial statements in his poem and requested that the Shari'a judge order that he divorce his wife and lose his rights to inherit property or manage his own wealth. The Shari'a court referred the case to a civil court. In July both the Shari'a and criminal courts acquitted Hawamdeh of all charges, without his retracting any portion of the poem (see Section 2.c.).

According to local press reports, the Press and Publications Department also banned a book of poetry by Ziyad Al-Anani in April; the book contained a poem that reportedly was offensive to Islam. The authorities did not bring charges against Al-Anani; the book was published and distributed in Beirut, Lebanon due to the Jordanian ban (see Section 2.c.).

Some journalists complained about high taxes on the media industry and tariffs on paper, which they claim led them to reduce the size of their publications. They also criticized the Government for its policy of advertising predominantly in newspapers in which the Government owns shares.

The Government did not block the entry of foreign publications. In January the Government passed a bill that grants foreign media operations "absolute freedom of expression" in the country. The bill reportedly was passed in order to encourage foreign investment. Some commentators criticized the Government for passing a bill that offers full autonomy for foreign journalists while maintaining laws that restrict freedom of expression for local journalists.

Radio and television news broadcasts are more restricted than the print media. The Government is the sole broadcaster of radio and television programs. The Government has commercial agreements with the British Broadcasting Corporation, the London-based Middle East Broadcasting Center, and Radio Monte Carlo that allows it to simulcast regional programs using local radio transmitters. Jordan Television (JTV) reports only the Government's position on controversial matters. International satellite television and Israeli and Syrian television broadcasts are available and unrestricted.

In December due to widespread criticism of local media coverage of events in Israel, the West Bank, and Gaza, King Abdullah took steps to reform the state media. For example, the King appointed new members to the board of the Jordan Radio and Television Corporation (JRTVC) and reportedly instructed the new director to discontinue the traditional practice of placing items about the King first in the evening news lineup. The Minister of Information also announced a plan to create an independent regulatory commission.

The GID actively investigates Internet reports of "crimes against the king."

The Government limits academic freedom. No university professors were dismissed for their political views during the year; however, some academics claim that they receive frequent threats of dismissal. In March Jordan University granted the president of the university the authority to appoint half of the university's 80-member student council, including the chair (see Section 2.b.).

*b. Freedom of Peaceful Assembly and Association.*—The Government restricts freedom of assembly. Citizens must obtain permits for public gatherings. Following a demonstration on October 6 in which one protester was killed and six were injured, the Government banned all demonstrations and public rallies. However, a number of demonstrations subsequently were held with government acquiescence despite the ban. Before the ban, the Government denied permits for public protests and rallies that it determined pose a threat to security.

In February the Government twice refused requests by human rights activists to hold demonstrations to protest a parliamentary vote rejecting the repeal of Article 340, the so-called honor crimes law. However, on February 14, Prince Ali bin Hussein and Prince Ghazi bin Mohammed, led more than 5,000 persons in a march to Parliament to demand the cancellation of Article 340. The Ministry of Interior denied permits for an Islamic Action Front (IAF) counterdemonstration. Some com-

mentators criticized the Government for organizing and controlling the demonstration instead of allowing human rights activists to organize their own demonstration.

In March Jordan University's administration amended the Student Council election law, granting the University president the authority to appoint half of the University's 80-member student council, including the chair. The amendment was viewed widely as an effort to curb the influence of campus Islamists. Many students, including non-Islamists, objected to the University's decision, and staged several demonstrations throughout April to protest against the appointments. Police used physical force, water cannons, and tear gas to disperse demonstrations, injuring a number of students (see Section 1.c.).

On July 1, the Higher Coordination Committee for Opposition Parties convened a rally to welcome home the three members of the Jordanian Professional Association who were shot by Israeli soldiers at a protest at the border between Israel and Lebanon.

In August the Islamic Action Front organized several large demonstrations in support of Palestinian sovereignty over East Jerusalem. There was heavy police presence at these demonstrations; however, security forces did not prevent the demonstrations.

In October there were numerous large demonstrations against the Israeli Government's actions in Israel and the occupied territories and in support of Palestinians. Police used force to disperse demonstrators during several violent demonstrations (see Sections 1.a. and 1.c.).

The Government restricts freedom of association. The Government requires, but routinely grants, approval for conferences, workshops, and seminars.

The Government routinely licenses political parties and other associations. There currently are 25 licensed political parties. Membership in an unlicensed political party is illegal. The Government may deny licenses to parties that it decides do not meet a list of political and other criteria contained in the Political Parties Law. The High Court of Justice may dissolve a party if it violates the Constitution or the Political Parties Law.

In January security forces arrested engineering student Asim Ogla Al-Maghayirah from the University of Science and Technology, reportedly due to his affiliation with a banned political party (Al-Tahrir) and because he allegedly distributed illegal pamphlets (see Section 2.a.).

*c. Freedom of Religion.*—The Constitution provides for the safeguarding of "all forms of worship and religious rites in accordance with the customs observed in the Kingdom, unless such is inconsistent with public order or morality;" however, the Government imposes some restrictions on freedom of religion. Citizens may not always practice the religion of their choice. According to the Constitution, Islam is the state religion.

Islamic institutions are managed by the Ministry of Religious Affairs and Trusts, which appoints imams and subsidizes certain activities sponsored by mosques. Religious institutions, such as churches that wish to receive official government recognition, must apply to the Prime Ministry for registration. The Protestant denominations registered as "societies" come under the jurisdiction of one of the recognized Protestant churches for purposes of family law, such as divorce and child custody. The Government does not recognize a number of religions.

Over 90 percent of the population are Sunni Muslim, and according to official government statistics, approximately 6 percent are Christian. Government and Christian officials privately estimate the true figure to be closer to between 2 and 4 percent. The Government does not recognize religious faiths other than the three main monotheistic religions: Islam; Christianity; and Judaism. In addition not all Christian denominations have been accorded official government recognition. Officially recognized denominations include the Greek Orthodox, Roman Catholic, Greek Catholic (Melkite), Armenian Orthodox, Maronite Catholic, and the Assyrian, Anglican, Lutheran, Seventh-Day Adventist, United Pentecostal, and Presbyterian Churches. Other churches, including the Baptist Church, the Free Evangelical Church, the Church of the Nazarene, the Assembly of God, and the Christian Missionary Alliance, are registered with the Ministry of Justice as "societies" but not as churches. There also are small numbers of Shi'a and Druze, as well as adherents of the Baha'i Faith. The Government does not interfere with public worship by the country's Christian minority. However, although the majority of Christians are allowed to practice freely, some activities, such as proselytizing or encouraging conversion to the Christian faith—both considered incompatible legally with Islam—are prohibited. Christians are subject to aspects of Shari'a (Islamic law) that designate how inheritances are distributed.

The Government does not recognize Jehovah's Witnesses, the Church of Christ, or the Church of Jesus Christ of Latter-Day Saints, but each of these denominations is allowed to conduct religious services and activities without interference.

The Government does not recognize the Baha'i Faith as a religion but does not prohibit the practice of the faith. However, Baha'is, who number approximately 800 citizens, face both official and societal discrimination. The Government does not record the bearer's religion on national identity cards issued to Baha'is, nor does it register property belonging to the Baha'i community. Adherents of the Baha'i Faith are considered as Muslims for purposes of family and inheritance law. Unlike Christian denominations, the Baha'i community does not have its own court to adjudicate personal status and family matters. Baha'i personal status matters are heard in Shari'a courts.

Non-Jordanian Christian missionaries operate in the country but are subject to restrictions. Christian missionaries may not proselytize Muslims. Since late 1998, foreign Christian mission groups in the country have complained of increased bureaucratic difficulties, including refusal by the Government to renew residence permits.

The Jordan Evangelical Theological Seminary (JETS), a Christian training school for pastors and missionaries, which requested registration from the Ministry of Education in 1998, was not registered by year's end. Pending such registration, in 1999 authorities suspended renewal of the residence permits of all of the seminary's 36 foreign students and 2 members of the faculty. In 1998 and 1999, some non-citizen Arab Muslim students were deported and asked to leave the country as a result of their association with JETS. To date the Ministry of Education's refusal to issue visas has affected 14 of 140 students and 4 staff members of the school.

In 1999 an employee of a small language school in Amman twice applied for a residence permit from the Ministry of Interior. His application was denied on both occasions, reportedly because government officials believed that he had been trying to convert Muslims to Christianity. He reapplied in April and was awaiting a response from the Government at year's end.

In January GID officials contacted an official of Life Agape (formerly Campus Crusade for Christ)—an organization associated with the Baptist Church, which distributes Bibles and conducts Bible studies—and asked him to sign a letter stating that he would not "deal with Muslims." The GID officers told the official that if he did not sign the letter his office would be closed. In February police brought the letter to the Life Agape office, and escorted the official to the police station, and then to meet with the Governor of the Amman municipality. The following day, the Governor closed the Life Agape office; no reason was specified on the Governor's order.

The Government notes individuals' religions (except for Baha'is) on the national identity card and "family book" (a national registration record issued to the head of every family that serves as proof of citizenship) of all citizens.

The Constitution provides that congregations have the right to establish schools for the education of their own members "provided that they comply with the general provisions of the law and be subject to the control of government in matters relating to their curricula and orientation."

In February criticism of a poem entitled "Yusef," which was included in a book of poems published in May 1999 by Muslim poet Musa Hawamdeh, began to circulate in mosques in Amman. Radical Islamists escalated the criticism of the poem and the poet, calling for the poet to be killed if he refused to recant the poem and for him to be divorced forcibly from his Muslim wife. Criticism of the poem from the Ministers of Religious Affairs and Information followed, and by the end of March, the Government banned the book in which the offending poem was published. In June Hawamdeh was summoned to a Shari'a court to face allegations of apostasy; he was charged by the head of court clerks with denying Koranic facts and defaming a prophet. The complainant requested that Hawamdeh publicly retract the controversial statements in his poem and requested that the Shari'a judge order that he divorce his wife and lose his rights to inherit property or manage his own wealth. The Shari'a court referred the case to a civil court. In July both the Shari'a and criminal courts acquitted Hawamdeh of all charges, without requiring him to retract any portion of the poem (see Section 2.a.).

According to local press reports, the Press and Publications Department banned a second book of poetry, by Ziyad Al-Anani in April; the book contained a poem that reportedly was offensive to Islam. The authorities did not bring charges against Al-Anani. The book was published and distributed in Beirut, Lebanon due to the Jordanian ban.

In June due to a dispute stemming from an intrachurch rivalry between the Jerusalem Patriarchate and the Antioch Orthodox Patriarchate, the Government closed an Arab Orthodox church in Amman that was aligned with the Antioch Patriarchate



in Damascus, Syria. The Government closed the church following a request from local Orthodox hierarchy to enforce a 1958 law that grants the Jerusalem Patriarchate authority over all Orthodox churches in the country. On November 29, the Government gave permission to the church to open officially on December 14 despite the fact that the dispute over authority had not been resolved. The church opened as scheduled; however, the Government closed it down 1 week later, stating that the church was in violation of the 1958 law for associating itself with the Orthodox church. The Government reportedly stated that the church has permission to reopen under a different name.

In December 1999, the municipality of Amman closed the Roy and Dora Whitman Academy—a nonprofit missionary school in Amman—on the basis that it was not registered with the Ministry of Education. In April the school received registration and reopened. In July the Ministry of Labor approved official work permits for the academy's staff.

Shari'a in the country is applied in all matters relating to family law involving Muslims or the children of a Muslim father; all citizens, including non-Muslims, are subject to Islamic legal provisions regarding inheritance. All minor children of a male citizen who converts to Islam are automatically considered to be Muslim. Adult children of a male Christian who has converted to Islam become ineligible to inherit from their father if they do not themselves convert to Islam. In cases where a Muslim converts to Christianity, the act is not recognized legally by the authorities, and the subject continues to be treated as a Muslim in matters of family and property law. The minor children of a male Muslim who converts to Christianity continue to be treated as Muslims under the law.

The law prohibits non-Muslims from proselytizing Muslims. Conversion to the Muslim faith by Christians is allowed; however, a Muslim may not convert to another religion. Muslims who convert to other faiths complain of social and government discrimination. The Government does not recognize the legality of such conversions. Under Shari'a converts are regarded as apostates and legally may be denied their property and other rights. However, this principle is not applied. Converts from Islam do not fall under the jurisdiction of their new religion's laws in matters of personal status and still are considered Muslims under Shari'a, although the reverse is not true. Shari'a prescribes a punishment of death for conversion; however, there is no equivalent statute under civil law.

The Political Parties Law prohibits houses of worship from being used for political party activity. The law was designed primarily to prevent Islamist parliamentarians from preaching in mosques.

Religious instruction is mandatory for all Muslim students in public schools. Christian and Baha'i students are not required to attend courses in Islam.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The law provides for the right of citizens to travel freely abroad and within the country except in designated military areas; however, there are some restrictions on freedom of movement. The law requires that all women, including foreign women married to citizens, obtain written permission from a male guardian—usually their father or husband—to apply for a Jordanian passport. During the year, there were several cases in which mothers reportedly were prevented from departing with their children because authorities enforced requests from fathers to prevent their children from leaving the country.

The GID sometimes withholds passports from citizens on security grounds. Local governors have the authority to enact the 1954 Preventing Crimes Law, which allows them to place citizens under house arrest for up to a year without formally charging them (see Section 1.d.). House arrest may involve requiring persons to report daily to local police station and the imposition of a curfew. Persons who violate the terms of their house arrest may be imprisoned for up to 14 days.

In April after the GID released Hassan Mahmoud Abdullah Abu Hanieh following 20 days of detention without charge (see Section 1.d.), the governor of Amman, required Abu Hanieh to report to a local police station twice daily and to return home by 6:30 p.m. every evening. Officials did not bring charges against Hanieh and rescinded the house arrest in August.

Jordanians with full citizenship receive passports that are valid for 5 years. Most Palestinians living in Jordan are citizens and receive passports that are valid for 5 years. However, the Government estimates that there are 150,000 Palestinian residents who are refugees or children of refugees who arrived from Gaza after 1967 do not qualify for citizenship. They receive 2-year passports valid for travel only. In the period following the country's administrative and legal disengagement from the West Bank in 1988, Palestinians residing in the West Bank received 2-year passports valid for travel only, instead of 5-year Jordanian passports). In 1995 King Hussein announced that West Bank residents without other travel documentation

again would be eligible to receive 5-year passports. However, the Government has emphasized that these passports are for travel only and do not connote citizenship, which only can be proven by presenting one's "national number," a civil registration number accorded at birth or upon naturalization to persons holding citizenship. The national number is recorded on national identity cards and in family registration books, which are issued only to citizens.

The Jordanian Society for Citizens' Rights (JSCR) reported a small number of cases in which Jordanian embassies overseas refused to issue new passports to Jordanians of Palestinian origin who were domiciled in foreign countries. Such Palestinians consequently were unable to return to Jordan.

The Constitution specifically prohibits the deportation of citizens. However, in July the High Court rejected an appeal challenging the alleged expulsion of four HAMAS leaders, all four of whom are citizens (see Sections 1.d., 1.e., and 2.b.).

There were credible reports that, due to a ban on his entering the country, government officials stopped former Minister of Parliament, Yaqoub Qarrash, at the border in January when he tried to return from Saudi Arabia.

There is no law or statute that provides for the granting of refugee status to asylum seekers. The Government generally cooperates with the office of the UNHCR. The UNHCR must resettle refugees in other countries. However, in April 1998, the Ministry of Interior signed a memorandum of understanding with the UNHCR concerning the status and treatment of refugees. Under the agreement, the Government admits asylum seekers, including those who have entered the country clandestinely, and respects the UNHCR's eligibility determinations under the refugee definitions set forth in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The agreement provides protection against the forcible return of refugees from the country, and recognizes the legal definition of a refugee as set forth in the U.N. Convention. Since 1996 the UNHCR has held regular seminars to train law enforcement officials in international refugee law, including specialized courses for policewomen. The Government provides first asylum. According to UNHCR figures, 55,626 persons have sought asylum through the UNHCR since October 1990, and in approximately 8,389 cases (approximately 15 percent), applicants have been accorded refugee status.

The Government estimates that over 200,000 Iraqis reside in the country. Since 1991 thousands of Iraqis have applied for refugee status and received legal and material assistance from the UNHCR. During the year, 6,806 Iraqis applied for, and 641 were accorded, refugee status. Additionally 1,753 out of the total 1,868 refugees accorded status during the year were Iraqi nationals, reflecting applications from previous years. The UNHCR also received applications for refugee status during the year from Sudanese, Russians of Chechen decent, Somali, and Eritrean asylum seekers.

For the 1999-2000 school year, the Government reverted to its policy of denying Iraqi children admittance to school unless such children are legal residents of the country or recognized as refugees by the UNHCR.

According to the Government, it deported eight Libyan nationals affiliated with "international terrorist organizations" in March. The Government did not inform the UNHCR of the presence of the Libyans prior to their deportation from the country. The Libyan Government reportedly executed three of the eight Libyans upon their return to Libya (see Section 1.c).

Almost 1.6 million Palestinian refugees are registered in Jordan with the U.N. Relief and Works Agency for Palestine Refugees (UNRWA). The UNRWA counts another 800,000 Palestinians as either displaced persons from the 1967 war, arrivals following the 1967 war, or returnees from the Gulf between 1990 and 1991.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

There are significant restrictions on citizens' right to change their government. Citizens may participate in the political system through their elected representatives in Parliament; however, the King has discretionary authority to appoint and dismiss the Prime Minister and Cabinet, to dissolve Parliament, and to establish public policy. Appointments made by the King to high government posts do not require legislative approval. Executive power is vested in the King (or, in his absence, in the Regent), who exercises his power through his ministers in accordance with the provisions of the Constitution.

In June King Abdullah dismissed then Prime Minister Abdul Raouf Rawabdeh and appointed Ali Abu Al-Ragheb as his successor. The King also appointed 19 new members to the 29-member Cabinet.

The Parliament is composed of the 40-member Senate, appointed by the King, and the popularly elected 80-member Chamber of Deputies. The Parliament is empow-

ered by the Constitution to initiate legislation, and it can approve, reject, and amend legislation proposed by the Cabinet. A group of 10 senators or deputies may submit draft bills for consideration; however, in practice legislation is initiated and drafted by the Cabinet of Ministers and submitted by the Government to the Parliament for its consideration. Opposition Members of Parliament have complained that attempts by members of the lower house to initiate legislation receive no response from the Government. The King proposes and dismisses extraordinary sessions of Parliament and may postpone regular sessions for up to 60 days. If the Government amends or enacts a law when Parliament is not in session, by law it must submit the law to Parliament for consideration during the next session; however, this does not always occur in practice.

The Electoral Law and the distribution of parliamentary seats deliberately favor electorates in rural and southern Jordan, regions with populations known for their traditional, pro-Hashemite views.

Over 500 candidates competed in the 1997 parliamentary elections, despite a boycott by Islamist and other parties. There were many reports of registration irregularities and fraud. Restrictions on the press and on campaign materials also had a negative effect on the campaign, which elicited much debate over the fairness of the Electoral Law and its implementation. Voter turnout was significantly lower in most urban areas than in rural areas. Centrist candidates with ties to major tribes dominate the Parliament.

Municipal elections in July 1999 featured the participation of the parties that had boycotted the 1997 parliamentary elections; however, low voter turnout necessitated a second day of balloting. The process generally was regarded as free and fair.

The so-called one-man, one-vote amendment to the Electoral Law was ratified by Parliament in 1997, nearly 4 years after it was first enacted by royal decree. The amendment allows voters to choose only one candidate in multiple-seat districts. In the largely tribal society, citizens tend to cast their first vote for family members, and any additional votes in accordance with their political leanings. The amendment also limits representation in the largely Palestinian urban areas. As a result, the amendment in practice also has tended to limit the chances of other non-tribal candidates, including women, Islamists, and other opposition candidates to be elected.

The next parliamentary elections are scheduled to be held in 2001. The Islamic Action Front publicly declared that it would boycott the elections absent significant changes in the one-man, one-vote amendment to the Electoral Law.

Women have the right to vote, and women's groups encourage women to vote and to be active in the political process; however, they are underrepresented at the national and local level. There is one female minister and two female senators, but no women hold seats in the Chamber of Deputies.

Of the 80 seats in the lower house, 9 are reserved for Christians, 6 for Bedouins, and 3 for the Circassian or Chechen ethnic minorities.

The Palestinian community, estimated to account for more than half of the total population, is not represented proportionately in the Government and legislature. Nine of 28 ministers, 6 of 40 senators, and 11 of 80 lower house deputies are of Palestinian origin. There also are no Palestinians in any of the 12 governorships throughout the country. The electoral system gives greater representation to areas that have a majority of inhabitants of non-Palestinian origin.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Domestic and international human rights groups investigate allegations of human rights abuses and publish and disseminate findings critical of government policy. However, the Press and Publications Law has restricted the publication of information about the military and security services, which, in effect prevented the publication by domestic groups of reports alleging torture and other abuses committed by the security services. The 1999 amendments to the Press and Publications Law removed these specific restrictions, but restrictions still exist in the Penal Code and other legislation (see Section 2.a.).

The local chapters of the Arab Organization for Human Rights (AOHR), the Jordanian Human Rights Organization (JHRO), and the JSCR are registered with the Government. The groups drew public attention to alleged human rights abuses and a range of other political issues. They also have pressed the Government either to bring formal charges against political detainees or to release them promptly. The AOHR and the JSCR assert that the Government responds to only about 10 and 20 percent respectively of the complaints that they submit on behalf of individuals who allegedly were subjected to human rights violations by the authorities. However, the JSCR reported that the Government generally supported public workshops that it held in which citizens discussed their viewpoints on sensitive social and polit-

ical topics. Local nongovernmental organizations (NGO's) are not permitted to receive funds from foreign sources, and some NGO workers reported that they feared they would be accused of accepting illegal funds from abroad. In June the Jordan Bar Association (JBA) accused Asma Khadar of the Mizan Group, a local NGO, of accepting foreign funds and threatened to close the organization and disbar her. The JBA did not file formal charges against Khadar or close the Mizan Group and the case was considered closed by year's end.

The Government generally cooperates with international NGO's. The ICRC usually is permitted full and unrestricted access to detainees, including those held by the GID and the military intelligence directorate (see Section 1.c.).

In March the Government formed the new Royal Commission for Human Rights, which is chaired by Queen Rania. The mandate of the Commission is to present recommendations on reforming current laws and practices to King Abdullah and to institutionalize human rights in the country. In November the Commission sponsored two human rights awareness seminars with police and judicial officials in Amman and Aqaba. Members of the Commission also intervened in a number of individual cases of alleged human rights violations throughout the year.

The Government also established the National Team for Family Protection and the Child Protection Center during the year (see Section 5). The Government controls the Parliamentary Public Freedoms Committee, the Ombudsman, and the Human Rights Office at the Prime Ministry.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The law does not distinguish between citizens on the basis of race; however, women, minorities, and others are treated differently under the law and face discrimination in employment, housing, and other areas.

*Women.*—Violence against women is common. Reported incidents of violence against women do not reflect the full extent of the problem. Medical experts acknowledge that spousal abuse occurs frequently. However, cultural norms discourage victims from seeking medical or legal help thus making it difficult to assess the extent of such abuse.

Abused women have the right to file a complaint in court against their spouses for physical abuse but in practice familial and societal pressures discourage them from seeking legal remedies. Marital rape is not illegal. NGO's, such as the Jordanian Women's Union, which has a telephone hot line for victims of domestic violence, provide assistance in such matters. Wife battering technically is grounds for divorce, but the husband may seek to demonstrate that he has authority from the Koran to correct an irreligious or disobedient wife by striking her.

The Criminal Code allows leniency for a person found guilty of committing a so-called "honor crime," a violent assault with intent to commit murder against a female by a relative for her perceived immodest behavior or alleged sexual misconduct. Law enforcement treatment of men accused of "honor crimes" reflects widespread unwillingness to recognize the abuse involved or to take action against the problem. Twenty-one such murders were reported during the year in which the victims were strangled, stabbed, or shot several times. Human rights monitors believe that many more such crimes were committed but not documented as honor crimes. Moreover, most crimes of honor are not reported by the press. The actual number of honor crimes is believed to be significantly higher. One forensic medical examiner estimated that 25 percent of all murders committed in the country are honor crimes. The police regularly imprison women who are potential victims of honor crimes for their own protection. There were up to 40 women involuntarily detained in this form of "protective custody" during the year.

According to Article 340 of the Penal Code, a "crime of honor" defense may be invoked by a defendant accused of murder who "surprises his wife or any close female relative" in an act of adultery or fornication, in which case the perpetrator of the honor crime is judged not guilty of murder. Although few defendants are able to meet the stringent requirements for a crime of honor defense (the defendant personally must have witnessed the female victim engaging in sexual relations), most avoid trial for the crime of murder, and are tried instead on the charge of manslaughter; even those convicted of murder rarely spend more than 2 years in prison. (In contrast to honor crimes, the maximum penalty for first-degree murder is death, and the maximum penalty for second-degree murder is 15 years.) Such defenses also commonly rely on the male relative having acted in the "heat of passion" upon hearing of a female relative's alleged transgression, usually without any investigation on the part of the assailant to determine the veracity of the allegation before committing the assault. Defenses in such cases fall under Article 98 of the Penal Code. Women may not invoke these defenses for murdering a male relative under the

same circumstances, nor may they use them for killing men who attempt to rape, sexually harass, or otherwise threaten their honor.

On January 11, a 29-year-old woman, who was being treated for self-inflicted burns at a local hospital, was shot several times and killed by her 28-year-old brother in an "honor crime." An autopsy indicated that the woman was 6 months' pregnant at the time of her death. A criminal court originally sentenced the brother to death; however, the court subsequently commuted his sentence to 10 years in prison.

After being released from protective custody on bail posted by her uncle in April, 40-year-old Fathieh Mohammad reportedly was shot and killed by her father, who subsequently turned himself in to the police, stating that he had killed his daughter to "cleanse his honor." The police also apprehended one of Fathieh's brothers during the investigation and subsequently arrested both her father and brother for the crime. The case was pending at year's end.

In December police arrested a man for beating to death his 19-year-old sister in November for "reasons of honor." Police were investigating a second brother for his suspected involvement in the killing at year's end. Police exhumed the woman's body from a cemetery in which she was buried illegally. Medical tests proved that the victim had not engaged in sexual activity.

In February a criminal court sentenced Bassam Mahmoud to 15 years in prison with temporary hard labor for killing his sister in 1999 to "cleanse the honor." Mahmoud shot his 19-year-old sister Maysoon 21 times after bringing her home from the police station where she had been charged with "immoral" behavior. Following his sentencing, Mahmoud's family dropped all charges against him, and the court subsequently reduced his 15-year sentence by half.

Also in February, a tribunal of judges reduced the sentence against Samir Ayed, who in October 1999 had killed his sister in a "fit of fury" to "cleanse his honor," to 6 months in prison. Most activists believe that even if Article 340 were repealed, honor crimes likely would persist with sentences continuing to be reduced under Article 98.

In December 1999, the National Committee to Eliminate "Crimes of Honor" presented leaders of the upper and lower houses of the Parliament with a petition signed by 15,000 citizens demanding an end both to crimes of honor and the legislation that protects perpetrators of such crimes. In November 1999, the lower house rejected a government-supported amendment that would have eliminated Article 340; however, the upper house approved the same measure in December 1999. The amendment was returned to the lower house for reconsideration. In February the lower house again rejected the proposal to repeal Article 340.

In February the Government twice refused requests by human rights activists to hold demonstrations in protest of the lower house vote. However, on February 14, Prince Ali bin Hussein and Prince Ghazi bin Mohammed led more than 5,000 persons in a march on Parliament to demand the cancellation of Article 340. On the same day, the press reported that the Islamic Action Front (IAF) issued a fatwa stating that the cancellation of Article 340 would contradict Shari'a and would "destroy our Islamic, social, and family values by stripping men of their humanity when they surprise their wives or female relatives committing adultery." The Ministry of Interior denied permits for an IAF counterdemonstration, which drew protests from both sides of the debate (see Section 2.b.).

Women experience legal discrimination in matters of pension and social security benefits, inheritance, divorce, and the value of court testimony. A woman's testimony is worth only half that of a man (see Section 1.e.). The Government provides men with more generous social security benefits than women. The Government continues pension payments of deceased male civil servants to their heirs but discontinues payments of deceased female civil servants.

Under Shari'a as applied in the country, female heirs receive half the amount of a male heir's inheritance, and the non-Muslim widows of Muslim spouses have no inheritance rights. A sole female heir receives half of her parents' estate; the balance goes to designated male relatives. A sole male heir inherits both of his parents' property. Male Muslim heirs have the duty to provide for all family members who need assistance. Men are able to divorce their spouses more easily than women. Marriage and divorce matters for Christians are adjudicated by special courts for each denomination (see Section 2.c.). Married women are ineligible for work in the diplomatic service, and, until recently, most women in the diplomatic corps automatically were assigned to administrative positions. There are six female judges in the country.

The law requires a married woman to obtain her husband's permission to obtain a passport (see Section 2.d.). Married women do not have the legal right to transmit citizenship to their children. Furthermore, women may not petition for citizenship

for their non-Jordanian husbands. The husbands themselves must apply for citizenship after fulfilling a requirement of 15 years of continuous residence. Once the husbands have obtained citizenship, they may apply to transmit the citizenship to their children. However, in practice such an application may take years and, in many cases, citizenship ultimately still may be denied to the husband and children. Such children become stateless and lack the rights of citizen children, such as the right to attend school or seek other government services.

Civil law grants women equal pay for equal work, but in practice this law often is ignored. Press and union leaders reported during the year that some employers in the private sector reportedly paid their female employees well under the legal minimum wage, despite the fact that the women were under contract. In January the Jordanian Food Industry Factory reportedly fired a group of 28 women after they demanded to be paid the legal minimum wage. The women reportedly blamed their union and the Ministry of Labor for their inability to protect workers (see Section 6.e.).

Social pressures discourage many women from pursuing professional careers. Nonetheless, women have employment opportunities in many professions, including engineering, medicine, education, the military, and law. Women constitute approximately 16.5 percent of the work force and 50 percent of university students. According to local NGO reports, while female employees hold approximately 52 and 39 percent of jobs in the education and health sectors respectively, they constitute only 7.5 percent of managerial posts and 10 percent of all jobs in the private sector. Women's groups stress that the problem of discrimination is not only one of law, but also of women's lack of awareness of their rights or unwillingness to assert those rights. The U.N. Food and Agriculture Organization reported in 1995 that women who work in agriculture average 15-hour days and earn less than men. The Jordanian chapter of the Business and Professional Women's Club gives seminars on women's rights and assists women in establishing small businesses. The chapter also provided several programs for potential female voters and candidates for the upcoming 2001 parliamentary elections. The University of Jordan launched a new graduate degree program in women's studies during the year to promote "objective awareness between the sexes." Members of the royal family work actively to improve the status of women.

*Children.*—The Government is committed to children's rights and welfare in the areas of education and health. However, government efforts in these areas are constrained by limited financial resources. Education is compulsory until the age of 16; however, no legislation exists to enforce the law or punish guardians for violating it, and children who do not attend school or attend infrequently are not considered truant. The law prohibits corporal punishment in schools; however, such punishment is known to occur. Since the beginning of the 1999–2000 school year, the Government has denied Iraqi children admittance to school unless they are legal residents of the country or recognized as refugees by the UNHCR (see Section 2.d.).

Educational development, quality, and the relevance of education to job market demand have been on the Government's agenda since 1985, with few concrete results to date. Because there are government-run primary schools in virtually every village, most students in the country have access to primary education. The Government also grants fee reductions and food and transportation supplements to families with many children or to very poor families in order to make education more affordable.

In March Queen Rania established the National Team for Family Protection (NTFP) to consolidate all issues concerning family safety. On August 20, the Government opened "Dar al Amman," the nation's first child protection center. The facility provides temporary shelter, medical care, and rehabilitation for children ages 6 to 12 years who have suffered abuse.

The Government attempts to safeguard some children's rights, especially regarding child labor. However, although the law prohibits most children under the age of 16 from working, child vendors work on the streets of Amman. The Ministry of Social Development has a committee to address the problem and in some cases removes the children from the streets, returns them to their families or to juvenile centers, and may provide the families with a monthly stipend. However, the children often return to the streets. Declining economic conditions have caused the number of these children to increase steadily over the last 10 years. Selling newspapers, tissues, small food items, or gum, these street vendors, along with the other children who pick through trash dumpsters to find recyclable cans to sell, sometimes are the sole source of income for their families.

Although the problem is difficult to quantify, social and health workers believe that there is a significant incidence of child abuse in families, and that the incidence of child sexual abuse is significantly higher than reported. The law specifies punish-

ment for abuses against children. Rape or sodomy of a child under 15 years of age carries the death penalty.

The Family Protection Unit of the Public Security Department (PSD) works with victims and perpetrators of domestic and sexual violence. The unit deals primarily with child and spousal abuse, providing multiple in-house services, including medical treatment for patients. The unit cooperates with police to apprehend perpetrators of domestic violence, facilitates participation in education and rehabilitation programs, and refers patients to other facilities.

Illegitimate children are entitled to the same rights under the law as legitimate children. However, in practice they suffer severe discrimination in a society that does not tolerate adultery or premarital sex. Most illegitimate children become wards of the State or live a meager existence on the fringes of society. In either case, their prospects for marriage and gainful employment are limited. Furthermore, illegitimate children who are not acknowledged legally by their fathers are considered stateless and are not given passports or identity numbers.

Students must obtain a good behavior certificate from the GID in order to qualify for admission under the university quota system. Activists reported that the GID sometimes withholds these certificates from deserving students reportedly due to a family member's allegedly problematic record.

Female Genital Mutilation (FGM), a procedure widely condemned by international health experts as damaging to both physical and psychological health, rarely is practiced. However, one southern tribe of Egyptian origin in the small village of Rahmah near Aqaba reportedly practices FGM. One local Mufti issued a fatwa stating that FGM "safeguards women's chastity and protects them against malignant diseases by preventing fat excretions." However, the Mufti also stated that as FGM is not a requirement of Islam, women who do not undergo this procedure should not be embarrassed.

*People with Disabilities.*—High unemployment in the general population restricts job opportunities for disabled persons, estimated by the Ministry of Social Development to number 250,000. Thirteen percent of disabled citizens receive monetary assistance from the Government. The Government passed legislation in 1993 requiring future public buildings to accommodate the needs of the disabled and to retrofit existing public buildings; however, implementation has been slow. During the year, the Greater Amman Municipality established a new Special Buildings Codes Department for Special Needs Citizens to enforce the implementation of the 1993 law. Since 1993 the Special Education Department of the Ministry of Social Development has enrolled approximately 11,000 mentally and physically disabled persons in public and private sector training courses. It has placed approximately 2,000 disabled persons in public and private sector jobs. The law requires that 2 percent of the available jobs be reserved for the physically disabled. Private organizations and members of the royal family actively promote programs to protect and advance the interests of the disabled.

*Indigenous People.*—The country's indigenous people, nomadic Bedouin and East Bank town dwellers, traditionally have been the backbone of popular support for the Hashemite monarchy. As a result, they generally have enjoyed considerable influence within the political system. They are represented disproportionately in senior military, security, and civil service jobs. Nevertheless, many Bedouin in rural areas are severely disadvantaged economically. Many persons of East Bank origin complain that the dynamic private sector largely is in the hands of the Palestinian majority.

*Religious Minorities.*—In general Christians do not suffer discrimination; however, there were some instances of official and societal discrimination during the year (see Section 2.c.). Christians hold government positions and are represented in the media and academia approximately in proportion to their presence in the general population. Baha'is face some societal and official discrimination. Their faith is not recognized officially, and Baha'is are classified as Muslims on official documents, such as the national identity card. Christian and Baha'i children in public schools are not required to participate in Islamic religious instruction.

*National/Racial/Ethnic Minorities.*—The Government granted citizenship to all Palestinians who fled to Jordan in the period after the 1948 Arab-Israeli war, and to a large number of refugees and displaced persons who arrived as a result of the 1967 war. However, most refugees who fled Gaza after 1967 are not entitled to citizenship and are issued 2-year passports valid for travel only. In 1995 King Hussein announced that West Bank residents without other travel documentation would be eligible to receive 5-year Jordanian passports.

However, the Government has emphasized that these passports are for travel only and do not connote citizenship (see Section 2.d.). Palestinians residing in Jordan, who make up more than half of the population, suffer discrimination in appoint-

ments to positions in the Government and the military, in admittance to public universities, and in the granting of university scholarships.

*Section 6. Worker Rights*

*a. The Right of Association.*—Workers in the private sector and in some state-owned companies have the right to establish and join unions. Unions must be registered to be considered legal. The law prohibits union membership for the country's approximately 1.5 million foreign workers. Over 30 percent of the work force are organized into 17 unions. Although union membership in the General Federation of Jordanian Trade Unions (GFJTU), the sole trade federation, is not mandatory, all unions belong to it. The Government subsidizes and audits the GFJTU's salaries and activities. Union officials are elected by secret ballot to 4-year terms. Although the Government cosponsors and approves the timing of these elections and monitors them to ensure compliance with the law, it does not interfere in the choice of candidates.

Labor laws mandate that workers must obtain permission from the Government in order to strike. Unions generally do not seek approval for a strike, but workers use the threat of a strike as a negotiating tactic. Strikes are prohibited if a labor dispute is under mediation or arbitration. If a settlement is not reached through mediation, the Ministry of Labor may refer the dispute to an industrial tribunal by agreement of both parties. The tribunal is an independent arbitration panel of judges appointed by the Ministry of Labor. The decisions of the panel are binding legally. If only one party agrees, the Ministry of Labor refers the dispute to the Council of Ministers and then to Parliament. Labor law prohibits employers from dismissing a worker during a labor dispute.

In April the Government refused a request by some 200 workers at the Jordan Telecommunication Company (JTC) to form their own union to safeguard their rights under the company's new privatized leadership. The Ministry of Labor justified the refusal by saying that the workers already were represented by the General Union for Public Workers, which includes artists, barbers, restaurant and hotel industry employees, and workers in social services.

In 1999 Pepsi-Cola Company fired 225 employees who staged an illegal strike. The Ministry of Labor intervened and the company reinstated 115 of the employees in 1999. Despite significant efforts by the Ministry of Labor and the Food Workers Union, the company rehired less than 10 percent of the remaining former employees during the year.

In January the Jordan Cable and Wire Company reinstated 20 of 220 workers that a labor court ruled were dismissed illegally in 1999. However, the company subsequently forced the employees to take a paid vacation and fired them again upon their return. No further action was taken during the year.

The GFJTU belongs to the Arab Labor organization, the International Confederation of Arab Trade Unions, and to the International Confederation of Free Trade Unions (ICFTU).

*b. The Right to Organize and Bargain Collectively.*—Unions have, and exercise, the right to bargain collectively. The Constitution prohibits antiunion discrimination, but the ICFTU claims that the Government does not protect adequately employees from antiunion discrimination and that the Government has dismissed public-sector employees for political reasons. Workers may lodge complaints of antiunion discrimination with the Ministry of Labor, which is authorized to order the reinstatement of employees discharged for union activities. There were no complaints of antiunion discrimination lodged with the Ministry of Labor during the year. The national labor laws apply in the free trade zones in Aqaba and Zarqa. Private sector employees in these zones belong to one national union that covers both zones and have the right to bargain collectively.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution forbids compulsory labor except in a state of emergency such as war or natural disaster, and it generally is not practiced; however, foreign domestic servants often are subject to coercion and abuse and in some cases work under conditions that amount to forced labor (see Section 6.e.). The law does not prohibit specifically forced or compulsory labor by children; however, such practices are not known to occur.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—Labor law forbids children under the age of 16 from being employed, except as apprentices, and prohibits children under the age of 17 from working in hazardous jobs, including at restaurants, night clubs, and jobs involving heavy machinery and toxic materials. Children under the age of 18 may not work for more than 6 hours continuously, may not work between the hours of 8 p.m. and 6 a.m., and may not work during weekends, religious celebrations, or national holidays. Provisions in the labor laws do not extend to the informal sector, which consists of agriculture, domestic



labor, and family businesses. The law does not specifically prohibit forced or bonded labor by children; however, such practices are not known to occur (see Section 6.c.).

In late 1999, the Ministry of Labor established a new division to deal with issues of child labor. The division was established to receive, investigate, and address child labor complaints and related issues; however, it was not staffed adequately by year's end. The Government also did not provide training for government officials who are responsible for enforcing child labor laws. All child labor enforcement responsibilities rest in the hands of 85 Ministry of Labor inspectors. According to the law, employers that hire a child under the age of 16 must pay a fine ranging from \$140-\$710 (100-500 dinars). The fine is doubled if the offense is repeated. However, the Government did not enforce laws regarding child labor during the year. Government officials claim that if children are barred from working in practice, they will lose important income on which their families depend, and may turn to more serious violations of law, such as drug trafficking and prostitution, for income.

Basic education is free and compulsory for 10 scholastic years for citizens from the ages of 6 to 16. However, there are no provisions to enforce the law or punish guardians for violating it (see Section 5).

The Government ratified International Labor Convention 182 on Elimination of the Worst Forms of Child Labor; however, it has not provided adequate financial support to implement its provisions. Nonetheless, government policy has facilitated the work of NGO's in this area. The Ministry of Social Development has programs to improve conditions for indigent children and to rehabilitate children who have committed petty crimes, who constitute a segment of working children. There are no specific mechanisms for receiving, investigating, and addressing child labor complaints relating to allegations of the worst forms of child labor.

The Ministry of Labor in conjunction with the National Task Force on Children and approximately 50 other local NGO's, developed a National Plan of Action (NPA) and adopted it in a national workshop held in 1998. The Ministry of Labor subsequently established a child labor unit in late 1999, which is responsible for conducting national research on child labor, adopting both preventative and remedial measures, developing a database on child laborers and their families, and training and monitoring Ministry of Labor inspectors about child labor issues. The Ministry began implementing some of the provisions of the NPA; however, the pace has been slow due to financial and logistical difficulties.

Anecdotal evidence suggests that child labor, especially of child street vendors is more prevalent now than it was 10 years ago due to declining economic conditions (see Section 5).

*e. Acceptable Conditions of Work.*—The national minimum wage is \$114 (80 dinars) per month for all workers except domestic servants, those working in small family businesses, and those in the agricultural sector. Workers earning the minimum wage find it difficult to provide a decent standard of living for their families. The Government estimates that the poverty level is at a monthly wage of about \$125 (89 dinars) per month for a family with 7.5 members. A study completed by the Ministry of Labor in July 1999 found that 18.7 percent of the population live at or below the poverty level; 1.5 percent live in "abject" poverty, defined by the Government as \$58 (40.5 dinars) per month for a family with 7.5 members. The Government provides minimal assistance to at least 45,000 indigent families.

The law prohibits most workers from working more than the customary 48 hours per week. Hotel, restaurant, and cinema employees may work up to 54 hours per week; the law requires overtime payment for hours in excess of the standard workweek. Workers may not work more than 16 hours in any continuous period or more than 60 hours of overtime per month. Employees are entitled to 1 day off per week.

Labor law does not apply to the agricultural sector, small family businesses, or domestic servants. Domestic servants do not have a legal forum to address their labor grievances and have no standing to sue in court for nonpayment of wages. Abuse of domestic servants, most of whom are foreign, is widespread. Imprisonment of maids and illegal confiscation of travel documents by employers is common. Complaints of beatings, insufficient food, and rape generally are not reported to officials by victims, who fear losing their work permits and being returned to their country. Domestic servants generally are not given days off and frequently are called upon to work at any hour of the day or night.

In February the Ministry of Labor announced that it would require Egyptian workers to obtain work permits approved by the Governments of both Egypt and Jordan, and that the Government would start applying "more humane" criteria when deciding whether to deport Egyptian workers.

The law specifies a number of health and safety requirements for workers, including the presence of bathrooms, drinking water, and first aid equipment at work sites. The Ministry of Labor is authorized to enforce health and safety standards.

The law does not require employers to report industrial accidents or occupational diseases to the Ministry of Labor. Workers do not have a statutory right to remove themselves from hazardous conditions without risking the loss of their jobs.

*f. Trafficking in Persons.*—The law does not specifically prohibit trafficking in women; however, the practice is not known to occur. A 1926 law specifically prohibits trafficking in children. There were no reports that persons were trafficked in, to, from, or within the country.

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## KUWAIT

Kuwait is a constitutional, hereditary emirate ruled by princes (Amirs), drawn from the Al-Sabah family. The Al-Sabahs have governed the country in consultation with prominent commercial families and other community leaders for over 200 years. The 1962 Constitution provides for an elected national assembly and details the powers of the Government and the rights of citizens, although it also permits the Amir to suspend any or all of its provisions by decree. Although the Amir suspended constitutional provisions from 1976–81 and from 1986–92, since the 1992 elections when the National Assembly resumed functioning, he has not taken this step. In May 1999, the Amir dissolved a gridlocked Parliament. This was followed by constitutionally mandated elections, which took place in July 1999. The election campaign generally was considered to be free and fair; however, there were some problems. Moreover only 14.5 percent of citizens (males over the age of 21) have the right to vote. The Constitution and law provide for a degree of judicial independence; however, the Amir appoints all judges, and renewal of most judicial appointments is subject to government approval.

The national police, the Criminal Investigation Division (CID), and Kuwait State Security (KSS) are responsible for internal security under the supervision of civilian authorities of the Ministry of Interior. Members of the security forces committed a number of human rights abuses.

With large oil reserves the economy is highly dependent on its energy sector. The Government owns the Kuwait Petroleum Corporation and, despite its stated emphasis on an open market, it dominates the local economy through direct expenditures and government-owned companies and equities. The Government has initiated a program of disposing of its stock holdings in private companies. According to government statistics, 93 percent of the indigenous work force is employed in the public sector, while foreigners constitute 98 percent of the private sector workforce. Citizens enjoy one of the highest standards of living in the world, and receive subsidized housing, childcare, food allowances, and free education. Foreign workers receive none of these benefits, and domestic servants and unskilled workers often live in poor conditions. During the October 1999 to 2000 fiscal year (FY), the country's estimated per capita gross domestic product was \$13,176 (4,005 dinars), 14 percent more than FY 1999. The increase reflects the significant rise in oil revenues due to higher world oil prices. The estimated 1999–2000 budget deficit was \$6.8 billion. For the current FY the budget surplus is estimated at \$3 billion.

The Government generally respected the human rights of its citizens in many areas; however, its record was poor in some significant areas. Citizens cannot change the head of state. Although under the Constitution the National Assembly must approve the Amir's choice of Crown Prince (that is, the future Amir), this authority is limited; if the National Assembly rejects the Amir's nominee, the Amir then submits three names from which the assembly must choose the new Crown Prince. The Crown Prince appoints the members of the Government. However, the elected National Assembly has demonstrated significant ability to influence or overturn decisions of the Government and has on occasion removed ministers through votes of no confidence or by forcing ministers to resign. The Government bans formal political parties, and women do not have the right to vote or seek election to the National Assembly. A law promulgated in 1998 bans primaries previously conducted by religious sects and tribes. Some police and members of the security forces abuse detainees during interrogation. Prisons remain overcrowded; however, the Government continued its renovation of existing facilities and construction of a new maximum security prison. The judiciary is subject to government influence, and a pattern of bias against foreign residents exists. The Government infringes on citizens' privacy rights in some areas. Security forces occasionally monitor the activities of individuals and their communications. Men must obtain government approval to marry foreign-born women. The Government uses threats to induce informal censorship, and journalists practice self-censorship. The Government restricts freedom of assembly and association. The Government places some limits on freedom of religion

and movement. Deportation orders may be issued by administrative order, and over 250 potential deportees are estimated to be held in detention facilities, some for up to 3 to 6 months. Violence and discrimination against women are problems. Discrimination against noncitizens persists. The Government restricts some worker rights. The Labor Law does not protect domestic servants regardless of citizenship, and their situation worsened during the year. Unskilled foreign workers suffer from the lack of a minimum wage in the private sector, from failure to enforce the Labor Law, and at times physical abuse; some work under conditions that, in effect, constitute indentured servitude. The Government acknowledges that a serious problem exists in the case of the "bidoon," Arabs who have residency ties to the country—some going back for generations, some for briefer periods—but who claim to have no documentation of their nationality. There are an estimated 110,000 bidoon in the country, down from a pre-Gulf War level of 220,000. In June the National Assembly passed a law requiring that bidoon register with the Government to begin a process in which some could be documented as citizens. Those who failed to register would be considered illegal residents. However, only 8,000 bidoon registered by the cutoff date (in addition to the 36,000 who registered during a 1965 census). The Government maintains that many bidoon are concealing their true nationality. It reports that 12,000 were documented during the year as nationals of other states, primarily Syria and Saudi Arabia. The Government stated that it would take punitive action against those who did not rectify their stateless status by the deadline, and the number of bidoon purchasing fraudulent passports reportedly is on the rise.

The country suffered under Iraqi occupation from August 1990 to February 1991, when an international coalition expelled Iraqi forces. Many human rights violations committed by the Iraqi army during this period remain unresolved, particularly the fate of 608 citizens and other residents taken by Iraq and still unaccounted for.

Executive and legislative leaders continued to strengthen political institutions by resolving major disagreements within the framework of the Constitution and without recourse to extrajudicial measures.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political or other extrajudicial killings.

There were no developments in the investigations into the extrajudicial killings that occurred during the chaotic period after the country's liberation in February 1991.

*b. Disappearance.*—There were no reports of politically motivated disappearances.

According to the International Committee of the Red Cross (ICRC), Iraqi authorities have not accounted for 608 citizens and other residents of the country taken prisoner during Iraq's occupation. There has been no significant development since 1994 in these disappearance cases. The Government of Iraq has refused to comply with U.N. Security Council Resolution (UNSCR) 687, which stipulates the release of detainees. In 1999 Iraq ceased its participation in ICRC-sponsored talks on their fate. It has refused to cooperate with the U.N. Secretary General's high-level representative, Yuli Vorontsov, who was appointed in February, under UNSCR 1284, to report on compliance by Iraq with its obligations regarding these cases.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Constitution prohibits torture; however, there continue to be credible reports that some police and members of the security forces abuse detainees during interrogation. Reported abuses include blindfolding, verbal threats, stepping on toes, and slaps and blows. Police and security forces were more likely to inflict such abuse on noncitizens, particularly non-Gulf Arabs and Asians, than on citizens.

The Government states that it investigates all allegations of abuse and that it has punished at least some of the offenders. However, the Government does not make public either the findings of its investigations or what, if any, punishments are imposed. This omission creates a climate of seeming impunity, which diminishes deterrence against abuse.

Defendants have the right to present evidence in court that they have been mistreated during interrogation. However, the courts frequently dismiss abuse complaints because defendants are unable to provide physical evidence of abuse. Members of the security forces routinely do not reveal their identity during interrogation, a practice that further complicates confirmation of abuse.

Prison conditions, including conditions for those held for security offenses, meet minimum international standards in terms of food, access to basic health care, scheduled family visits, cleanliness, and opportunities for work and exercise. Continuing problems include overcrowding and the lack of specialized medical care. Ap-

proximately 1,700 men and 250 women are serving sentences or awaiting trial in the central prison. In March the Talha deportation center formally was reconstituted as a minimum security prison and now holds approximately 900 persons who have been convicted of financial or traffic crimes. Although Talha is no longer a deportation holding facility, deportees also are held there occasionally. Unlike in the past, there have been no reports of mistreatment of prisoners at Talha since its reopening. An estimated additional 250 prisoners were being held at the deportation facility in Shuwaikh; some of these detainees have been held for up to 3 to 6 months (see Section 1.d.).

In March a new government directive was issued, which has improved prison conditions throughout the system. Following its provisions, the director of prisons increased prison staffing, ensured the steady progress of renovations at the central prison, and accelerated the construction of a new maximum-security prison. He also created a drug rehabilitation program for inmates. Drug-related offenders make up the majority of the prison population.

The National Assembly's Human Rights Committee closely monitored prison conditions throughout the year, and the Government allowed the ICRC access to all detention facilities.

*d. Arbitrary Arrest, Detention, or Exile.*—The Constitution provides for freedom from arbitrary arrest and detention; however, the Government occasionally arrests and detains persons arbitrarily. There also were incidents of prolonged detention.

In general police officers must obtain an arrest warrant from state prosecutors or a judge before making an arrest (see Section 1.f.), although in misdemeanor cases the arresting officer may issue them. Security forces occasionally detain persons at checkpoints in Kuwait City (see Section 2.d.).

Under the Penal Code, a suspect may not be held for more than 4 days without charge. Security officers sometimes prevent families from visiting detainees during this confinement. After 4 days, prosecutors must either release the suspect or file charges. If charges are filed, prosecutors may remand a suspect to detention for an additional 21 days. Prosecutors also may obtain court orders for further detention pending trial.

During the 1999 election campaign, five parliamentary candidates were arrested and charged with slander against the Government. One of the candidates was sentenced to 6 months in prison (see Sections 2.a. and 3); the sentence was not carried out and all charges were dropped.

Of the estimated 2,200 persons serving sentences or being detained pending trial at the state security prison or state security detention facilities, approximately 60 are being held on security grounds, a 65 percent reduction from last year. The other security prisoners and detainees were released during the year after completing their sentences, or after being acquitted or pardoned.

Of the approximately 2,500 Egyptians arrested in the wake of the Kheitan riots in October 1999, all but 19 were released within a few days. The 19 were tried, with 18 of them being acquitted and 1 sentenced to deportation.

The Government may expel noncitizens (including bidoon, i.e., stateless residents of Kuwait, some of whom are native born or long-term residents), if it considers them security risks. The Government also may expel foreigners if they are unable to obtain or renew work or residency permits. There are approximately 100 bidoon and foreigners held in detention facilities, some of them pending deportation. Some detainees have been held for up to 3 to 6 months. Many deportation orders are issued administratively, without the benefit of a trial. However, the Government does not return deportees to their countries of origin forcibly, allowing those who object to remain in detention. This practice leads to prolonged detention of deportees, particularly Iraqis, who do not wish to return to their own countries. It also plays a role in the complex problem faced by bidoon deportees, who essentially remain in detention because their stateless condition makes the execution of the deportation order impossible (see Sections 2.d. and 5).

The Talha deportation center, which had been criticized in previous years by human rights groups, formally was reconstituted as a minimum security prison in March. There were no allegations of the prolonged detention of deportees in the facility during the year (see Section 1.c.).

The law protects citizens from exile, and there were no reports of this practice.

*e. Denial of Fair Public Trial.*—The Constitution provides for the right to a fair trial and states that "judges shall not be subject to any authority;" however, the Amir appoints all judges, and the renewal of judicial appointments is subject to government approval. Judges who are citizens have lifetime appointments; however, the majority of judges are noncitizens. These noncitizen judges work under 1- to 3-year renewable contracts, which undermines their independence. The Ministry of Justice may remove judges for cause, but rarely does so. Foreign residents involved

in legal disputes with citizens frequently complain that the courts show a bias in favor of citizens.

The secular court system tries both civil and criminal cases. The Court of Cassation is the highest level of judicial appeal. Sunni and Shi'a Muslims have recourse to courts of their respective branches for family law cases. A Shi'a appellate court was established this year. In the secular courts no groups are barred from testifying; however, in all three court systems the testimony of one man is equal to the testimony of two women.

Defendants have the right to confront their accusers and appeal verdicts. The Amir has the constitutional power to pardon or commute all sentences. Defendants in felony cases are required by law to be represented in court by legal counsel, which the courts provide in criminal cases. In misdemeanor cases, defendants have the right to waive the presence of legal counsel, and the court is not required to provide counsel to indigent defendants.

Both defendants and prosecutors may appeal court verdicts to the High Court of Appeal, which may rule on whether the law was applied properly as well as on the guilt or innocence of the defendant. Decisions of the High Court of Appeal may be presented to the Court of Cassation, which conducts a limited, formal review of cases to determine only whether the law was applied properly.

In January Alaa Hussein, head of the Iraqi-installed "provisional" government during the occupation returned to the country of his own volition to stand trial. A military court had sentenced him to death in absentia in 1993. In May a court upheld his conviction for treason, as well as his death sentence. Hussein's trial received extensive media attention and appears to have been conducted in a fair and open manner. If the verdict stands after the case completes the appeals process, the Amir must ratify the execution or chose to commute the sentence. The appeals process was still underway at year's end.

In January a court found two authors guilty of writing obscene, blasphemous books in a case brought by anonymous citizens (see Section 2.a.).

There were no reports of political prisoners. The Government continues to incarcerate 27 residents (10 Iraqis, 12 bidoon, 2 citizens, 2 Palestinians, and 1 Syrian) convicted of collaboration with Iraq during the 1990-1991 occupation. During the year, 19 Iraqis, 5 bidoon, and 2 Palestinians who had been held on the same charge were released by Amiri pardon. By law such collaboration is considered a felony. Most of the persons convicted in the Martial Law Court in 1991, and the Special State Security Court, which was abolished in 1995, did not receive fair trials. Amnesty International faulted the trials in general, and particularly noted the absence of any right of appeal of the verdicts. In 1999 the Amir pardoned the remaining eight Jordanians convicted by the martial law and state security courts.

*f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution provides for individual privacy and sanctity of the home, and the Government generally respects these rights in practice; however, the law, which generally requires police to obtain a warrant to search both public and private property, provides for a warrantless search if alcohol or narcotics are suspected on the premises or if police are in hot pursuit of a suspect fleeing the scene of a crime. A warrant may be obtained from the State Prosecutor or, in the case of searches of private property, from a judge. The security forces occasionally monitor the activities of individuals and their communications.

The law forbids marriage between Muslim women and non-Muslim men and requires men to obtain government approval to marry foreign-born women. Although the Government may advise men against marriage to a foreign national, there are no known cases of the Government refusing permission for such marriages. The Government advises women against marrying foreign nationals (see Section 2.c.).

## *Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of the press, printing, and publishing "in accordance with the conditions and manner specified by law," and, with a few exceptions, citizens are free to criticize the Government at public meetings and in the media; however, journalists practice self-censorship. Several laws empower the Government to impose restrictions on freedom of speech and the press. The effect of these laws diminished during the year as court cases overruled punitive sentences that accompanied earlier convictions. The Government, through the Ministry of Information, practiced informal censorship by placing pressure on individual publishers and editors believed to have "crossed the line" in attacking government policies and discussing issues deemed offensive to Islam, tradition, or the interests of the State.

Newspapers are privately owned and free to publish on many social, economic, and political issues and frequently criticize government policies and officials, including the Crown Prince/Prime Minister.

The Government ended prepublication censorship in 1992, but journalists still censor themselves. The Press Law prohibits the publication of any direct criticism of the Amir, official government communications with other states, and material that serves to "attack religions" or "incite people to commit crimes, creates hatred, or spreads dissension among the populace."

In order to begin publication of a newspaper, the publisher must obtain an operating license from the Ministry of Information. Publishers may lose their license if their publications do not appear for 6 months. This 6-month rule prevents publishers from publishing sporadically—it is not used to suspend or shut down existing newspapers. Individuals also must obtain permission from the Ministry of Information before publishing any printed material, including brochures and wall posters. The Government does not censor foreign journalists and permits them open access to the country.

In February the Government threatened to shut down two newspapers. Al-Siyassa and Al-Watan were charged with publishing false information in an article about the Amir's decision regarding salaries for security services personnel, which embarrassed the Amir. The managing editor of Al-Siyassa was detained for 1 week, although never formally charged. The Cabinet ordered the cancellation of both newspapers' licenses and suspension of publication for 2 years. After significant public criticism, particularly from the National Assembly, the Government decided not to shut down the papers or penalize them further. The crisis led to the resignations of the Cabinet (none were accepted) and to proposals by members of the National Assembly to amend the article of the Constitution that permits the Government to suspend publication without review by the Assembly or the courts. No action was taken to amend the article by year's end.

The law requires jail terms for journalists who ridicule religion (see Section 2.c.). In contrast to prior years, there were no prosecutions of print or broadcast journalists. There were two prosecutions of individuals related to book publications. Under the law, any citizen may initiate a court case against an author if the citizen deems that the author has defamed Islam, the ruling family, or public morals. Often these court cases are brought for political reasons. In January in separate cases brought by anonymous citizens, a court found two female authors, Leila Al-Othman and Alia Shuaib guilty of writing "obscene and blasphemous" books. The books had been published years ago. Both authors were sentenced to 2 months in prison or a \$160 (50 dinar) fine. An appeals court overturned Shuaib's conviction in March and changed Al-Othman's sentence to a \$3,000 fine (912 dinars) and also fined her publisher \$3,000 (912 dinars) (see Section 1.e.).

During the 1999 election campaign, five parliamentary candidates were arrested and charged with slander against the Government. One of the candidates was sentenced to 6 months in prison, but the sentence was not carried out, and charges against all five were dropped (see Sections 1.d. and 3).

The Government owns and controls the radio and television companies. Satellite dishes are widely available, and citizens with such devices are free to watch all available programming. In September state-owned Kuwait TV stopped telecasting certain women's Olympic sports, including synchronized swimming and gymnastics, after an Islamist National Assembly member criticized the station for showing "immoral and pornographic" sports and called on the Ministry of Information officially to censor the Olympics. The Olympics continued to be broadcast in their entirety on cable and satellite stations.

The Ministry of Information censors all books, films, videotapes, periodicals, and other imported publications deemed morally offensive. While the Ministry announced plans to censor the Internet, the methods of enforcement and technical issues are still to be worked out. Internet providers and web sites practiced self-censorship. The Ministry has censored political topics as well and does not grant licenses to magazines with a political focus. The General Organization of Printing and Publishing controls the publication and distribution of informational materials.

There is no government censorship of university teaching, research, or publication. However, academics are subject to the same restraints as the media with regard to criticism of the Amir or Islam.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution affirms the right to assembly; however, the Government restricts this right in practice. Public gatherings must receive prior government approval, as must private gatherings of more than five persons that result in the issuance of a public statement. Informal weekly, family-based, social gatherings of men, known as "diwanis" are protected by the Constitution. Practically every adult male, including the Amir, members of

the Government, and members of the National Assembly hosts or attends diwanias, at which every possible topic is freely discussed. The diwaniya system contributes to the development of political consensus and official decisionmaking. Women are not precluded from holding diwanias; however, such diwanias are uncommon. By tradition women are barred from male diwanias.

The Constitution affirms the right of association; however, the Government restricts this right in practice. The Government bans political parties. Several informal blocs, acting much like parties, exist and are active in the National Assembly. The Government has made no effort to constrain these groupings, which are organized on the basis of common ideological goals. Many may be categorized as "opposition" groups.

All nongovernmental organizations (NGO's) must obtain a license from the Ministry of Social Affairs and Labor. The Government uses its power to license as a means of political control. The Ministry has registered 52 NGO's, including professional groups, a bar association, and scientific bodies. These groups receive government subsidies for their operating expenses. Their members must obtain permission from the Ministry before attending international conferences. However, since 1985, the Ministry has issued only three new licenses. The Ministry has disapproved other license requests on the grounds that previously established NGO's already provide services similar to those proposed by the petitioners (see Sections 2.d. and 4).

In May 1999, in accordance with a 1993 decree that ordered unregistered NGO's to cease activities, the Government announced a crackdown on unlicensed branches of NGO's, whose activities it previously had overlooked, including unlicensed branches of Islamic charities, and required that they cease operations by mid-September 1999. No further action was taken pursuant to the announced crackdown (see Sections 2.c. and 4).

*c. Freedom of Religion.*—Islam is the state religion; although the Constitution provides for freedom of religion, the Government places some limits on this right. The Constitution also provides that the State protect the freedom to practice religion in accordance with established customs, "provided that it does not conflict with public policy or morals." The Constitution states that Shari'a (Islamic law) is "a main source of legislation."

The procedures for registration and licensing of religious groups are unclear. The Ministry of Awqaf and Islamic Affairs has official responsibility for overseeing religious groups. Nevertheless in reality officially recognized churches must deal with a variety of government entities, including the Ministry of Social Affairs and Labor (for visas and residence permits for pastors and other staff) and the Kuwaiti Municipality (for building permits). While there reportedly is no official government "list" of recognized churches, seven Christian churches have at least some sort of official recognition that enables them to operate openly. These seven churches have open "files" at the Ministry of Social Affairs and Labor, allowing them to bring in the pastors and staff necessary to run their churches. Further by tradition three of the country's churches are widely recognized as enjoying "full recognition" by the Government and are allowed to operate compounds officially designated as churches: The Catholic Church (which includes two separate churches), the Anglican Church, and the National Evangelical Church of Kuwait (Protestant). The other four churches reportedly are allowed to operate openly, hire employees, invite religious speakers, etc., all without interference from the Government, but their compounds are, according to government records, registered only as private homes. The churches themselves appear uncertain about the guidelines or procedures for recognition. Some have argued that these procedures are purposely kept vague by the Government so as to maintain the status quo. All other churches and religions have no legal status but are allowed to operate in private homes.

The procedures for the registration and licensing of religious groups also appear to be connected with government restrictions on NGO's, religious or otherwise. In 1993 all unlicensed organizations were ordered by the Council of Ministers to cease their activities. This order has never been enforced; however, since that time all but three applications by NGO's have been frozen. There were reports that in the last few years at least two groups have applied for permission to build their own churches, but the Government has not yet responded to their requests. The Government's 1999 crackdown on unlicensed NGO's, including unlicensed branches of Islamic charities, ceased early in the year (see Sections 2.b. and 4).

Shi'a are free to conduct their traditional forms of worship without government interference; however, members of the Shi'a community have complained about the scarcity of Shi'a mosques due to the Government's slowness or failure to grant approval for the construction of new Shi'a mosques as well as the repair of existing mosques. The community was particularly critical in May when the municipality rejected a 9-year-old petition for construction of a Shi'a mosque in the Al-Qurain area.

Although the municipality apparently relented due to direct government intervention, there are still complaints about the lack of sufficient Shi'a mosques. There are approximately 30 Shi'a mosques compared with the 1,300 Sunni mosques in the country. However, Shi'a have noted some improvement in recent years in that a small number of approvals have been granted for the construction of Shi'a mosques.

Shi'a leaders also have complained that Shi'a who aspire to serve as imams are forced to seek appropriate training and education abroad due to the lack of Shi'a jurisprudence courses at Kuwait University's College of Islamic Law. They also have expressed concern that certain pending proposed legislation within the National Assembly does not take beliefs specific to the Shi'a into account.

The Roman Catholic, Anglican, National Evangelical, Greek Orthodox, Armenian Orthodox, Coptic Orthodox, and Greek Catholic Churches are able to operate freely on their compounds, holding worship services without government interference. These churches state that the Government generally has been supportive of their presence, even providing police security and traffic direction as needed. Other Christian denominations (including Mormons, Seventh-Day Adventists, Marthoma, and Indian Orthodox), while not recognized legally, are allowed to operate in private homes or in the facilities of recognized churches. Members of these congregations have reported that they are able to worship without government interference, provided that they do not disturb their neighbors and do not violate laws regarding assembly and proselytizing.

Members of religions not sanctioned in the Koran, such as Hindus and Buddhists, may not build places of worship, but are allowed to worship privately in their homes without interference from the Government.

The Government prohibits missionaries from proselytizing to Muslims; however, they may serve non-Muslim congregations. The law prohibits organized religious education for religions other than Islam, although this law is not enforced rigidly. Informal religious instruction occurs inside private homes and on church compounds without government interference. However, there were reports that government "inspectors" periodically visit public and private schools outside of church compounds to ensure that no religious teaching other than Islam takes place.

The Government does not permit the establishment of non-Islamic publishing companies or training institutions for clergy. Nevertheless, several churches do publish religious materials for use solely by their congregations. Further, some churches, in the privacy of their compounds, provide informal instruction to individuals interested in joining the clergy.

A private company, the Book House Company Ltd., is permitted to import significant amounts of Bibles and other Christian religious material—including, as of early in the year, videotapes and compact discs—for use solely among the congregations of the country's recognized churches. The Book House Company is the only bookstore that has an import license to bring in such materials, which also must be approved by government censors. There have been reports of private citizens having non-Islamic religious materials confiscated by customs officials upon arrival at the airport.

Although there is a small community of Christian citizens, a law passed in 1980 prohibits the naturalization of non-Muslims. However, citizens who were Christians before 1980 (and children born to families of such citizens since that date), are allowed to transmit their citizenship to their children.

According to the law, a non-Muslim man must convert to Islam when he marries a Muslim woman if the wedding is to be legal in Kuwait. The law forbids marriage between Muslim women and non-Muslim men (see Section 1.f.). A non-Muslim woman does not have to convert to Islam to marry a Muslim man, but it is to her advantage to do so. Failure to convert may mean that, should the couple later divorce, the Muslim father would be granted custody of any children.

The law requires jail terms for journalists who ridicule religion (see Section 2.a.). During the year, Islamists used this law to threaten writers with prosecution for publishing opinions deemed insufficiently observant of Islamic norms. In January the Kuwaiti Court of Misdemeanors found two female Kuwaiti authors, Alia Shuaib and Leila Al-Othman, guilty of writing books that were blasphemous and obscene. Shuaib and Al-Othman were sentenced to 2 months in prison which could be suspended upon payment of a \$160 (50 Kuwaiti dinars) fine. On March 26, a Kuwaiti appeals court acquitted Shuaib of the charges of blasphemy and publishing works that ridicule religion. Al-Othman's conviction of using indecent language was upheld. The court's judgments represented the latest in a series of cases brought by Islamists against secular authors. The court did not provide explanations for its rulings (see Sections 1.e. and 2.a.).

Early in the year, a Vatican representative arrived in the country to establish a permanent mission. The mission, which currently is headed by a charge d'affaires



who temporarily resides at the Roman Catholic Church, also is to represent Vatican interests in the smaller Persian Gulf States and Yemen. The Church views the Government's acquiescence to establishing relations with the Vatican as significant in terms of government tolerance of Christianity.

*d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Government places some limits on freedom of movement. Citizens have the right to travel freely within the country and to change their work place as desired. Unmarried women 21 years old and over are free to obtain a passport and travel abroad at any time. However, married women who apply for passports must obtain their husbands' signature on the application form. Once she has a passport, a married woman does not need her husband's permission to travel, but he may prevent her departure from the country by contacting the immigration authorities and placing a 24-hour travel ban on her. After this 24-hour period, a court order is required if the husband still wishes to prevent his wife from leaving the country. All minor children must have their father's permission to travel outside of the country. Citizens are free to emigrate and to return. Security forces in Kuwait City occasionally set up checkpoints where they may detain individuals. The checkpoints are mainly for immigration purposes and are used to apprehend undocumented aliens.

The Government has the right to place a travel ban on any citizen or foreigner who has a legal case pending before the courts. The Government restricts the ability of members of NGO's to attend conferences abroad (see Sections 2.b. and 4). The Government severely restricts the ability of its bidoon population to travel abroad (see Section 5).

There were no credible reports during the year that the Government enforced the policy of prior years limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War.

While the Government permits the ICRC to verify if deportees object to returning to their countries of origin, it detains those with objections until they either change their minds or make alternative arrangements to travel to a third country (see Section 1.d.).

There is no legislation governing refugees, asylees, or first asylum, and no clear standard procedure for processing a person's claim to be a refugee. The Constitution prohibits the extradition of political refugees. The Government states that it does not deport anyone who claims a fear of persecution in their home country, but it often keeps such persons in detention rather than grant them permission to live and work in the country (see Section 1.d.). The U.N. High Commissioner for Refugees (UNHCR) maintains an office in the country and has access to refugees in detention. There were no reports of forced return of persons to countries where they feared persecution.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

Citizens cannot change the head of state. Under the Constitution the National Assembly has a limited role in approving the Amir's choice of Crown Prince (that is, the future Amir). If the Assembly rejects the Amir's nominee, the Amir then submits three names from which the Assembly must choose the new Crown Prince. Only about 14 percent of adult citizens have the right to vote. Women and citizens naturalized for less than 20 years may not vote or seek election to the National Assembly. Members of the armed forces, police, and other uniformed personnel of the Ministry of Interior are prohibited from voting or seeking election to the National Assembly.

Under the Constitution, the Amir holds executive power and shares legislative power with the National Assembly. The Prime Minister is appointed by the Amir and presides over a 16-member cabinet, which he chooses in consultation with the Amir. In accordance with the practice of the ruling family (but not specifically the Constitution), the Prime Minister always has been the Crown Prince. The Constitution empowers the Amir to suspend its provisions and to rule by decree. The Amir dissolved the National Assembly from 1976–81, and in 1986 the Amir effectively dissolved the Assembly by suspending the constitutional provisions on the Assembly's election. The Assembly remained dissolved until 1992, when elections were held. Since 1992 the constitutional provisions with respect to the Assembly have been observed. The Constitution provides that cabinet members sit in the National Assembly and may vote on legislation. There are 50 elected National Assembly members. Members serve 4-year terms, and National Assembly elections have been held on schedule. Since the Government prohibits political parties, Assembly candidates must nominate themselves. Nonetheless informal political groupings are active in the Assembly. The Constitution empowers the National Assembly to overturn any

Amiri decrees made during the dissolution, and the Assembly has done so in some cases.

In May 1999, the Amir dissolved the National Assembly in response to the political gridlock that emerged between Parliament and the Government. Elections were held 2 months later as specified in the Constitution.

The 1999 election campaign generally was free and fair; however, there were some problems. Five parliamentary candidates were arrested and charged with unlawful slander against the Government. Four of those arrested received nominal fines, had their cases postponed, or were acquitted. While the candidates were not required to withdraw from the election, the fifth candidate withdrew, subsequently was convicted of the charges in July, and was sentenced to 6 months in prison. The sentence was not carried out (see Sections 1.d. and 2.a.).

In December a by-election was held to fill the seat of a deceased Assembly member. The election campaign was considered generally free and fair; however, there were allegations of vote buying.

In 1998 the National Assembly passed legislation that bans primaries previously conducted by religious sects and tribes. The National Assembly's objective in passing this legislation was to eliminate the process by which candidates were withdrawn from elections and votes concentrated on the remaining candidates from these groups.

Charges filed against several hundred citizens in the Government's attempt to enforce the ban on tribal primaries during the July 1999 elections were never brought to trial. During its fall session, the National Assembly declined to lift the parliamentary immunity of the two newly elected members the Public Prosecutor had sought to charge with violating the ban on tribal primaries.

Women are disenfranchised and have little opportunity to influence government. A May 1999 Amiri decree gave women the right to vote, to seek election to the National Assembly beginning with the parliamentary election scheduled for 2003, and to hold cabinet office. In November 1999, the Parliament vetoed the Amir's May decree on constitutional grounds. Shortly thereafter members of the Assembly introduced identical legislation, but it also was defeated. No new legislation has been introduced by either the Government or by Assembly members. Women do hold some relatively senior nonpolitical positions within some ministries.

Members of the Shi'a minority generally are underrepresented in high government positions. There is only one Shi'a member of the Cabinet, the Minister of Commerce. Of 50 National Assembly members, 6 are Shi'a, as is the armed forces chief of staff.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

The Government continued its practice of preventing the establishment of new local human rights groups by not approving their requests for licenses (see Section 2.b.). Since 1985 the Government has issued only three licenses. The Government has refused other license request on the grounds that previously established NGO's already provide services similar to those proposed by the petitions. It also continued to limit the ability of NGO members to attend conferences abroad (see Sections 2.b. and 2.d.). Their members must obtain permission from the Government before attending international conferences.

The Government's 1999 crackdown on unlicensed NGO's, including unlicensed branches of Islamic charities, ended early in the year (see Sections 2.b. and 2.c.).

The Government permits international human rights organizations to visit the country and to establish offices. Several organizations conduct fieldwork and report excellent communication with and reasonable cooperation from the Government. The Government has cooperated fully in the work of the U.N. Special Rapporteurs for Iran and Iraq and the high-level representative of the Secretary General on the issue of Kuwaitis missing in Iraq since the end of the Gulf War.

The National Assembly has an active Human Rights Committee, which takes testimony from individuals about abuses, investigates prison conditions, and makes nonbinding recommendations for redress. Despite its designation as an advisory body, the Human Rights Committee has shown that, in practice, it is able to mobilize government agencies to address egregious human rights problems.

In July the Government submitted its first periodic report on the implementation of the International Covenant on Civil and Political Rights. After reviewing the presentation, a U.N. Human Rights Committee report on July 28 noted 23 principal subjects of concern. In particular, it cited discrimination against women in voting, marriage, and nationality; a range of abuses against bidoon; and restrictions of freedom of expression and association. The Committee urged immediate steps to ensure that law and practice meet the standards required by the covenant.

*Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution prohibits discrimination based on race, national origin, language, or religion. However, laws and regulations discriminate in some cases against women and noncitizens, who face widespread social, economic, and legal discrimination.

*Women.*—Violence against women is a problem. According to some local experts, domestic abuse of women occurs in an estimated 15 percent of all marriages. Each of the country's 50 police stations reportedly receives on average 1 to 2 complaints of spousal abuse each week, although this may be understated. Of the complaints received, approximately 60 percent involve spousal abuse of noncitizen women. The police and the courts generally seek to resolve family disputes informally and may ask the offending spouse to sign a statement affirming that he agrees to end the abuse. The police refer serious cases to the Psychiatric Department at the Ministry of Health. The courts have found husbands guilty of spousal abuse. "Honor" crimes occur very infrequently; there is no provision in the Criminal Code that allows for leniency in such cases. Rape and sexual assault remain a serious problem, particularly for foreign domestic servants or unskilled workers. There are no legally mandated restrictions on dress for women.

In April the Government arrested seven men for allegedly beating a 19-year-old woman for not wearing a "hijab" (head scarf). The Government acted quickly in bringing the seven men to trial, criticizing the assault as a vigilante action by extremists. The case prompted a lively debate in society and the press. Most citizens expressed outrage, viewing the attack as a direct assault on their personal freedoms, while Islamists urged against making hasty judgments. Conflicting versions of what exactly occurred and the motives involved emerged during the trial, and the criminal court acquitted the seven accused men in June, finding that there was insufficient evidence to convict them. In November the Court of Appeals overturned the acquittal of five of the seven, and sentenced four to 1-year imprisonment and ordered them to pay \$6,000 (2,000 dinars) each in compensatory damages. The fifth accused was ordered to pay \$3,000 (1,000 dinars) with no jail term.

In June the National Assembly passed a law requiring the segregation of sexes at private universities. A 1996 law already requires the Government to segregate by sex the state-run university by 2001.

Some employers physically abuse foreign women working as domestic servants, and there are continuing reports of rape of these women by male employers and male coworkers. The local press gives the problem considerable attention, and both the police and the courts have taken action against employers when presented with evidence of serious abuse. Some rapes resulted in unwanted pregnancies. Reportedly 12 domestic servants killed children fathered by employers soon after birth. Foreign-born domestic employees have the right to sue their employers for abuse, but few do so fearing judicial bias and deportation. In July the Government reduced the operations of a specialized police facility designated to investigate complaints and provide some shelter for runaway maids, which resulted in a further deterioration of conditions for domestic employees (see Sections 6.c. and 6.e.).

In May a Sri Lankan maid was beaten severely with a plastic water pipe, strangled with a wire, and repeatedly tortured with a hot iron, allegedly by a Kuwaiti couple who employed her. She had worked for this family for over a year, during which time she reported that her employers did not feed her regularly and withheld her salary. The maid suffered permanent damage to her face, neck, ears, and arms. The case had not yet gone to trial by year's end. The woman accused of the assault was being held in jail; her husband, a policeman, remains free.

In June five male citizens belonging to various state security organizations were arrested for the kidnap, rape, torture, and beating of four female domestic servants. The police seized videotapes of the crimes. The court hearing the case denied bail, and the five were awaiting trial at year's end.

In August the criminal court postponed hearing the case of an Indonesian domestic worker who was beaten to death with a vacuum cleaner by her female employer. The entire family admitted to regularly beating her with hard objects for several months. The Kuwaiti woman was being held in prison without bail at year's end.

The employers who beat to death their Sri Lankan maid in August 1999 remained in jail awaiting trial at year's end. The case of the Kuwaiti women charged in 1999 in the beating death of her Indian maid had not gone to trial by year's end.

Runaway servants, including many women alleging physical or sexual abuse, often seek shelter at their country's embassy for repatriation or a change in employers (see Sections 6.c. and 6.e.).

Women continue to experience legal and social discrimination. Women are denied the right to vote (see Section 3). Their testimony is not given equal weight to that

of males in the courts (see Section 1.e.). Married women require their husbands' permission to obtain a passport (see Section 2.d.). By law only men are able to confer citizenship; therefore, children born to citizen mothers and stateless fathers are themselves stateless. The Government forbids marriage between Muslim women and non-Muslim men (see Sections 1.f. and 2.c.). Inheritance is governed by Islamic law, which differs according to the branch of Islam. In the absence of a direct male heir, Shi'a women may inherit all property, while Sunni women inherit only a portion, with the balance divided among brothers, uncles, and male cousins of the deceased.

In February women attempted to register for the 2003 elections. Invoking the Government's denial of their registration attempt as a basis, women's suffrage supporters filed four court cases, three of which were rejected for "lacking seriousness." An administrative court referred the fourth case (filed by a male citizen) to the Constitutional Court, which refused it on procedural grounds for incorrectly framing the appeal. After the decision, First Deputy Premier and Foreign Minister Shaykh Sabah stated that he respected the court's verdict, but that the Government would still push for women's suffrage.

Women traditionally are restrained from choosing certain roles in society, and the law restricts women from working in "dangerous industries" and trades "harmful" to health. However, almost all citizens work for the state in office jobs, and women are allowed into most areas of the bureaucracy, including even oil well firefighting units. Educated women maintain that the conservative nature of society limits career opportunities. Nonetheless an estimated 33 percent of women of working age are employed. The law provides for "remuneration equal to that of a man provided she does the same work." This provision is respected in practice. Women work as doctors, engineers, lawyers, bankers, and professors. A few have been appointed to senior positions in the Ministry of Education, the Ministry of Planning, and the state-owned Kuwaiti Petroleum Corporation. There is one female ambassador and two female undersecretaries; however, there are no female judges or prosecutors.

In cases of divorce, the Government makes family entitlement payments to the divorced husband, who is expected by law and custom to provide for his children even though custody of minor children usually is given to the mother. The law discriminates against women married to foreign men. Such women are not entitled to government housing subsidies, which are available to male citizens. The law also requires women to pay residence fees for their husbands and does not recognize marriage as the basis for granting residency to foreign-born husbands. Instead the law grants residency only if the husband is employed. By contrast male citizens married to foreign-born women do not have to pay residency fees for their spouses, and their spouses' right to residency derives from marriage.

Polygyny is legal and is more common among tribal elements of the population. A husband is obliged to inform his first wife that he is taking a second wife. The husband is obligated to provide the first wife a separate household if that is her preference. A first wife who objects to a second marriage may request a divorce, but the court's determination of divorce and child custody would be made on grounds other than the fact of the second marriage itself.

There are several women's organizations that follow women's issues, among the most active of which are the Women's Cultural and Social Society (WCSS) and the Women's Affairs Committee.

*Children.*—The Government is committed to the welfare of children. Both boys and girls receive a free education, which extends through the university level, including advanced degrees. The Government provides free health care and a variety of other services to all children. Citizen parents also receive a monthly government allowance for each child.

The marriage of girls under the age of 17 is uncommon among the urban population but remains a practice of the Bedouins in outlying areas.

There were cases of male youths, some as young as 8 years old, raped by men or gangs of other male youths.

There are reports of young boys, especially of South Asian origin, being used as camel jockeys (see Sections 6.c. and 6.d.).

There is no societal pattern of abuse of children.

*People with Disabilities.*—There is no institutionalized discrimination against disabled persons in employment, education, or in the provision of state services. Legislation passed by the National Assembly in 1996 mandates accessibility for the disabled to all public facilities, and provides an affirmative action employment program for the disabled. However, this law has not been implemented fully. The Government pays extensive stipends to disabled citizens, which cover transportation, housing, job training, and social welfare.

*National/Racial/Ethnic Minorities.*—The plight of the 110,000 bidoon remains a significant problem, and in June the Government instituted a new program to address the issue. The bidoon, a term meaning “without,” are Arabs who have residency ties to Kuwait—some going back for generations, some for briefer periods—but who have no documentation of their nationality. The bidoon have been the objects of harsh government policy since the mid-1980’s. Since 1985 the Government has eliminated the bidoon from the census rolls, discontinued their access to government jobs and free education, and sought to deport many. In 1993 the Government decreed that bidoon males no longer would be allowed to serve in the military. Those presently in the armed forces are being replaced gradually. The Government does not issue travel documents to bidoon routinely, and if bidoon travel abroad without documentation, they risk being barred from returning to the country unless they receive advance permission from the immigration authorities. Marriages pose special hardships because the offspring of male bidoon inherit the father’s undetermined legal status.

In June the National Assembly passed a law requiring that bidoon register with the Government by June 27 to begin a process in which they could be documented as citizens. Those who failed to register would be considered illegal residents and subject to deportation. The law provides that up to 2,000 bidoon may be naturalized each year, but registration will not lead to citizenship for those who are judged to have insufficient ties to the country. Only 8,000 bidoon registered by the June 27 cutoff date, in addition to 36,000 who registered (or who are descended from those who registered) during a 1965 census. The Ministry of the Interior created an “Executive Committee in Charge of the Bidoon” to resolve the issue. The Government has yet to state the likely fate of the large majority of bidoon, who will be unable to provide documentation proving Kuwaiti nationality. The Government stated in March that it would take punitive action against those who do not rectify their status by the deadline. It maintains that many bidoon are concealing their true nationalities in order to remain in the country, become citizens, and enjoy the generous benefits provided to citizens. The Government has denied many bidoon official documents such as birth certificates, marriage certificates, civil identification, and drivers’ licenses, and has pressured employers not to hire bidoon. There were no reports during the year that the Government decided the nationality of any bidoon without a hearing.

The Government grants legal status and issues a residency visa to any bidoon who presents a passport, regardless of the country of issuance. This led some bidoon to acquire passports from countries with which they have no affiliation, but which have liberal “economic citizenship” programs, although this practice has declined sharply since 1997. The Government stated that 12,000 bidoon were documented during the year as nationals of other states, primarily Syria and Saudi Arabia. Once documented, bidoon are able to obtain residency permits and other official papers. However, there also are credible reports of government authorities encouraging bidoon to purchase counterfeit passports in order to establish a claim to an alternate nationality. Purchasing a fraudulent passport allows bidoon to receive a residency permit and other civil documents, to marry, and to work. However, the bidoon have problems obtaining visas to travel abroad on these passports, as they are easily detected as fraudulent, and they may have difficulty renewing these passports when they expire.

There were no credible reports during the year that the Government enforced the policy of prior years limiting the presence of workers from nations whose leaders had supported Iraq in the Gulf War. In prior years since the end of the Gulf War, government policy had targeted workers whose leaders supported Iraq, especially Palestinians, Jordanians, and Yemenis. The Government argued that during the Iraqi occupation, many of these workers’ governments sided with the Iraqi forces. The Government delayed or denied the issuance of work and residency permits to persons in these groups, and in many cases hindered those workers who were permitted to reside in the country from sponsoring their families to join them. Many of these nationals resorted to the purchase of third country passports in order to gain entry to, or legalize their status in, the country. A government policy to route the residency visas of these nationals through the State Security Service led to a sharp increase in renewal denials in the period immediately after the war (see Sections 1.d. and 2.d.). In 1999 diplomatic relations were restored with Yemen, Sudan, and Jordan; and subsequently these policies apparently were relaxed (see Section 2.d.).

#### *Section 6. Worker Rights*

*a. The Right of Association.*—Workers have the right to join unions. Nonetheless, the Government restricts the right of freedom of association by stipulating that

there be only one union per occupational trade, and that unions may establish only one federation. The International Labor Organization (ILO) has long criticized such restrictions.

Approximately 50,000 persons, less than 5 percent of a total work force of 1,226,134, are organized into 14 unions, 12 of which are affiliated with the Kuwait Trade Union Federation (KTUF), the sole legal trade union federation. The Bank Workers Union and the Kuwait Airways Workers Union consisting of approximately 4,500 workers, are independent of the KTUF. The law stipulates that any new union must include at least 100 workers, of whom at least 15 are citizens. Both the ILO and the International Confederation of Free Trade Unions (ICFTU) have criticized this requirement because it discourages unions in sectors that employ few citizens, such as the construction industry and the domestic servant sector. Despite past draft proposals and KTUF complaints, no new labor law was enacted during the year.

The Government's pervasive oversight powers further erode union independence. The Government subsidizes as much as 90 percent of most union budgets, may inspect the financial records of any union, and prohibits any union from engaging in political or religious activities, which are vaguely defined. The law empowers the courts to dissolve any union for violating labor laws or for threatening "public order and morals." Such a court decision may be appealed. The Amir also may dissolve a union by decree. By law the Ministry of Social Affairs and Labor is authorized to seize the assets of any dissolved union. The ILO has criticized this aspect of the law. Although no union has been dissolved, the law subordinates the legal existence of the unions to the power of the State.

According to government statistics, 997,338 foreign workers are employed in the country. They constitute over 80 percent of the work force but only 10 percent of the unionized work force. The Labor Law discriminates against foreign workers by permitting them to join unions only after 5 years of residence, although the KTUF states that this requirement is not enforced and that foreigners may join unions regardless of their length of stay. In addition the law stipulates that foreigners may participate in unions only as nonvoting members. Unlike union members who are citizens, foreign workers do not have the right to elect their leadership. The law requires that union officials must be citizens. The ILO has criticized the 5-year residency requirement and the denial of voting rights for foreign workers. The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. Any foreign worker covered under the Labor Law may submit a grievance to the Labor Office regardless of union status. However, such services are not utilized widely.

The law limits the right to strike. It requires that all labor disputes must be referred to compulsory arbitration if labor and management cannot reach a solution (see Section 6.b.). The law does not have any provision ensuring strikers freedom from any legal or administrative action taken against them by the State. However, the Ministry of Labor and Social Affairs has proved responsive to sit-ins or protests by workers who face obvious wrongdoing by their employers.

Unions may affiliate with international bodies. The KTUF belongs to the International Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

*b. The Right to Organize and Bargain Collectively.*—Workers have the right to organize and bargain collectively, subject to certain restrictions (see Section 6.a.). These rights have been incorporated in the Labor Law and, according to all reports, have been respected in practice.

The Labor Law provides for direct negotiations between employers and "laborers or their representatives" in the private sector. Most agreements are resolved in such negotiations; if not, either party may petition the Ministry of Social Affairs and Labor for mediation. If mediation fails, the dispute is referred to a labor arbitration board, which is composed of officials from the High Court of Appeals, the Attorney General's office, and the Ministry of Social Affairs and Labor.

The Civil Service Law makes no provision for collective bargaining between government workers and their employer. Technically, wages and conditions of employment for civil service workers are established by the Government, but in practice, the Government sets the benefit scales after conducting informal meetings with officials from the civil service unions. Union officials resolve most issues at the working level and have regular access to senior officials.

The Labor Law prohibits antiunion discrimination. Any worker who alleges antiunion discrimination has the right to appeal to the judiciary. There were no reports of discrimination against employees based on their affiliation with a union. Employers found guilty of antiunion discrimination must reinstate workers fired for union activities.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—The Constitution prohibits forced labor “except in cases specified by law for national emergency and with just remuneration;” however, some foreign workers are treated like indentured servants (see Section 6.e.). The Government does not specifically prohibit forced and bonded labor by children, but such practices are not known to occur.

Foreign workers may not change their employment without permission from their original sponsors unless they have been in the country for over 2 years. Domestic servants are particularly vulnerable to abuses from this practice because they are not protected by the Labor Law. In many cases employers exercise control over their servants by holding their passports, although the Government prohibits this practice and has acted to retrieve the passports of maids involved in disputes.

Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants. They frequently face poor working conditions and may encounter some physical abuse (see Sections 5 and 6.e.). Domestic servants who run away from their employers may be treated as criminals under the law. However, the authorities usually do not enforce this provision. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country.

There are also credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$1,800. Middlemen, generally foreigners, use the promise of Kuwaiti sponsorship to attract workers from economically depressed countries, taking a commission and remitting the rest to the nominal Kuwaiti sponsor. Once in the country, such workers are farmed out to the informal sector or find employment with parties that would otherwise be unable to sponsor them. Foreign workers who are recruited with these traded visas not only face possible prosecution for being engaged in illegal employment (i.e., working for an employer other than their sponsor), but also leave themselves extremely vulnerable to extortion by employers, sponsors, and middlemen. Government efforts to crack down on such abuses, such as by closing front companies for visa traders, have failed to realize significant progress. There are laws aimed at curbing visa trading, with penalties against both employers and visa traders, but the laws seldom are enforced. Visa trading has resulted in growing numbers of unemployed foreign workers who buy visas to enter the country and then cannot find work.

For over 10 years, the ILO has criticized a 1979 legislative decree, which requires prior authorization for public meetings and gatherings, and provides for a penalty of imprisonment including an obligation to work. The ILO also is critical of a 1980 legislative decree respecting security, order, and discipline aboard ships, breaches of which also may be punished by imprisonment with an obligation to work.

There are reports of young boys, especially of South Asian origin, being used as camel jockeys (see Sections 5 and 6.d.).

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The legal minimum age is 18 years for all forms of work, both full- and part-time. Employers may obtain permits from the Ministry of Social Affairs and Labor to employ juveniles between the ages of 14 and 18 in certain trades. Education is compulsory for children between the ages of 6 and 15. The Government does not prohibit forced and bonded labor by children, but such practices are not known to occur (see Section 6.c.). There are reports of young boys, especially of South Asian origin, being used as camel jockeys (see Sections 5 and 6.c.). There also have been confirmed reports that some South Asian and Southeast Asian domestic servants are under age 18. Such underage workers reportedly falsify their ages in order to enter the country. Some small businessmen employ their children on a part-time basis.

Juveniles may work a maximum of 6 hours a day on the condition that they work no more than 4 consecutive hours followed by a 1-hour rest period.

In August Kuwait ratified ILO Convention 182 on the worst forms of child labor.

*e. Acceptable Conditions of Work.*—The Ministry of Social Affairs and Labor is responsible for enforcing all labor laws. An informal two-tiered labor market ensures high wages for citizen employees, most of whom are in government white collar or executive positions, while foreign workers, even those in skilled positions, receive substantially lower wages. There is no legal minimum wage in the private sector. In the public sector, the monthly minimum wage is approximately \$742 (226 dinars) for citizens and approximately \$296 (90 dinars) for noncitizens. The public sector minimum wage provides a decent standard of living for a worker and family. Wages of unskilled workers in the private sector do not always provide a decent standard of living. To be eligible to sponsor family members for residency, government workers must receive a minimum wage of \$1,350 (450 dinars) a month, and private sector workers must make at least \$2,135 (650 dinars) a month. The Council of Min-

isters approved a bill in August that would reduce this amount to \$1,350 (450 dinars) for all workers.

There are also credible reports of widespread visa trading, a system by which sponsors agree to extend their sponsorship to workers outside of the country in exchange for a fee of \$1,500 to \$1,800 (see Section 6.c.).

The Labor Law establishes general conditions of work for both the public and the private sectors, with the oil industry treated separately. The Civil Service Law also prescribes additional conditions for the public sector. The Labor Law limits the standard work week to 48 hours with 1 full day of rest per week, provides for a minimum of 14 workdays of leave each year, and establishes a compensation schedule for industrial accidents. Domestic servants, who specifically are excluded from the private sector Labor Law, frequently work long hours, greatly in excess of 48 hours.

The ILO has urged the Government to extend the weekly 24-consecutive-hour rest period to temporary workers employed for a period of less than 6 months and workers in enterprises employing fewer than five persons. The law pertaining to the oil industry provides for a 40-hour workweek, 30 days of annual leave, and sick leave. Laws establishing work conditions are not applied uniformly to foreign workers.

Employers often exploit workers' willingness to accept substandard conditions. Some foreign workers, especially unskilled or semiskilled South Asian workers, live much like indentured servants, are unaware of their legal rights, and generally lack the means to pursue a legal remedy. They frequently face contractual disputes and poor working conditions, and may face physical and sexual abuse (see Sections 5 and 6.c.). Most are in debt to their employers before they arrive in the country and have little choice but to accept the employer's conditions, even if they contradict the contractual terms. It is not uncommon for wages to be withheld for a period of months, or to be decreased substantially. Many foreign workers are forced to live in "housing camps," which generally are overcrowded and lack adequate cooking and bathroom facilities. Workers are housed 10 or more to a room in squalid conditions, many without access to adequate running water. The workers are only allowed off the camp compound on company transport or by permission of the employer. Foreign workers' ability to change their employment is limited, and, in some cases, employers' possession of foreign workers' passports allows them to exercise control over such employees (see Section 6.c.). Many foreign workers go heavily into debt and cannot afford to return home.

The Labor Law discriminates against foreign workers by limiting their ability to join unions (see Section 6.a.). The KTUF administers an Expatriate Labor Office, which is authorized to investigate complaints of foreign laborers and provide them with free legal advice. However, these services are not utilized widely. Any foreign worker may submit a grievance to the labor office regardless of union status.

The Labor Law provides for employer-provided medical care and compensation to workers disabled by injury or disease due to job-related causes. The law also requires that employers provide periodic medical examinations to workers exposed to environmental hazards on the job, such as chemicals and asbestos. Foreigners must pay high fees for medical care, both yearly and each time medical care is provided. Many employers deduct the medical fees from employees' salaries. Adequate and affordable health care remains a problem for many foreign workers. No health insurance system exists.

The Government has issued occupational health and safety standards; however, compliance and enforcement appear poor, especially with respect to unskilled foreign laborers. To decrease accident rates, the Government periodically inspects installations to raise awareness among workers and employers, and to ensure that they abide by the safety rules, control the pollution resulting from certain dangerous industries, train workers who use new machines in specialized institutes, and report violations. Workers have the right to remove themselves from dangerous work situations without jeopardizing their continued employment, and legal protection exists for workers who file complaints about such conditions.

As noted domestic servants are not covered under the Labor Law. Those who flee their employers may be treated as criminals, although the authorities usually do not prosecute them. In some reported cases, employers illegally withheld wages from domestic servants to cover the costs involved in bringing them to the country. It is also a common practice for employers illegally to withhold their passports. Maids pay the same amount or more than unskilled or semi-skilled workers for visas to work in the country.

Runaway servants often seek shelter at their country's embassy for either repatriation or assistance in dealing with employers. The numbers in need of assistance increased substantially during the year as conditions for domestic employees worsened. Some embassies house runaway servants: The Sri Lankan Embassy has be-



tween 700–800 nationals in its care, the Indian Embassy 200, the Philippine Embassy 150, the Indonesian Embassy 100, and the Bangladeshi Embassy 60. The total of 1,300 represents an increase of 1,000 in the past year. Although most of these workers sought shelter due to contractual or financial problems with their employers, some women also alleged physical and sexual abuse. The Sri Lankan, Indian, and Philippine Embassies all continue to report the steady occurrence of physical abuse and mistreatment involving domestic servants, including withheld salaries, overwork, and not being fed regularly or enough. Each government has attempted to register its nationals who arrive to work in the country as domestic employees and to regulate recruiting agents in their home countries, without much result. In July the reduction of services provided by the police facility designated to mediate between embassies, domestic workers, and employers made it very difficult for domestics to file complaints, receive withheld salary, and reach settlement in cases of mistreatment. Domestic servants must now deal with neighborhood police stations, whose personnel are untrained and inexperienced in handling their cases and often side with the employer (see Sections 5 and 6.c.).

Some countries either have warned their female citizens about such work conditions or banned them from working in the country as domestic servants. The Government of India officially banned its nationals from working in Kuwait as domestic employees, but Indian nationals still buy visas and enter Kuwait as domestic workers. Bangladesh has banned female domestic servants from working in Kuwait since 1998. In August the Egyptian Foreign Minister warned women seeking employment in all Persian Gulf countries to “exercise caution” and to avoid being forced into illegal activities.

The courts found in favor of the employee in an estimated 90 percent of the labor disputes they heard, but this success did not result in improved conditions for foreign workers. Currently, no legal mechanism exists for foreign workers to enforce settlements. There is no compulsion for employers to obey court rulings, and workers often did not receive court-ordered compensation. Employers also reportedly use illegal methods to pressure foreign employees to drop cases against them, such as withholding their passports, police intimidation and brutality, and filing criminal charges against them for theft and other crimes.

*f. Trafficking in Persons.*—The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within or through the country.

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## LEBANON

Lebanon is a parliamentary republic in which, based on the unwritten “National Pact of 1943” the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of the Chamber of Deputies a Shi’a Muslim. President Emile Lahoud took office in 1998 after an election heavily influenced by Syria. The Parliament consists of 128 deputies, equally divided between Christian and Muslim representatives. In parliamentary elections in August and September, former Prime Minister Rafiq Hariri defeated incumbent Salim Al-Hoss. President Lahoud named Hariri Prime Minister in October. According to international observers, the elections were flawed and the outcome was heavily influenced by the Syrian Government; however, there reportedly were fewer voting irregularities than in the 1996 parliamentary elections. The judiciary is independent in principle; however, it is subject to political pressure.

Non-Lebanese military and paramilitary forces control much of the country. Approximately 25,000 Syrian troops are stationed in locations throughout the country, excluding the south. In addition, several armed Palestinian factions are located in refugee camps, although their freedom of movement is restricted significantly. The contingent of approximately 2,000 Israeli army regulars and 1,500 Israeli-supported militiamen that had controlled parts of the south withdrew from the region completely by May. All undermined the authority of the central Government and interfered with the application of law in the patchwork of areas not under the Government’s control. In 1991 the Governments of Syria and Lebanon concluded a security agreement that provided a framework for security cooperation between their armed forces. However, an undetermined number of Syrian military intelligence personnel in the country continue to conduct their activities independently of the agreement.

In 1989 the Arab League brokered a peace settlement at Taif, Saudi Arabia, to end the country’s civil war. According to the Taif Accord, the Syrian and Lebanese Governments were to determine the redeployment of Syrian troops from their position in Lebanon’s coastal population areas to specified areas of the Biqa’ Valley,

with full withdrawal contingent upon subsequent agreement by both Governments. The Syrian Government has not carried out this partial redeployment, and strong Syrian influence over Lebanese politics and decisionmakers makes officials unwilling to press for a complete withdrawal. Since the Taif Accord was signed, no government has requested formally the withdrawal of Syrian forces. The Government's relationship with Syria does not reflect the will of most of the country's citizens.

Until May Israel exerted control in or near its self-proclaimed "security zone" in the south through direct military action and support for its surrogate, the South Lebanon Army (SLA). With the tacit support of the Government, the Iranian-backed Shi'a Muslim faction Hizballah, and, to a much lesser extent, the Lebanese Shi'a group Amal and some Palestinian guerrillas were locked in a cycle of attack and counterattack with Israeli and SLA troops. In May after 22 years of occupation, Israeli Defense Forces (IDF) troops withdrew from the south and West Bq'a, and the SLA disbanded. Following the withdrawal, the Government deployed over 1,000 police and soldiers to the former security zone. After the withdrawal, Hizballah guerrillas maintained observation posts and conducted patrols along the border with Israel. The United Nations Interim Forces in Lebanon (UNIFIL) also increased its area of operations following the Israeli withdrawal. Palestinian groups operate autonomously in refugee camps throughout the country. The Government did not attempt to reassert state control over the Palestinian camps or to disarm Hizballah.

The security forces consist of the Lebanese Armed Forces (LAF), which may arrest and detain suspects on national security grounds; the Internal Security Forces (ISF), which enforces laws, conducts searches and arrests, and refers cases to the judiciary; and the State Security Apparatus and the Surete Generale, both of which collect information on groups deemed a possible threat to state security. The Surete Generale is responsible for the issuance of passports and residency permits, the screening and censoring of foreign periodicals, plays, documentaries, television programs, and movies, and the censoring of those parts that address national security issues and "morale." The security forces committed serious human rights abuses.

Before the 1975-90 hostilities, the country was an important regional financial and commercial center. There is a market-based economy in which the majority of the private sector work force is employed in the services sector, such as banking and commerce. There is a small industrial sector, based largely on clothing manufacture and food processing. The annual gross national product is estimated to be approximately \$5,000 per capita. A reconstruction effort begun in 1992 is moving forward. Substantial remittances from abroad offset the trade deficit and resulted in a balance of payment surplus. The economy has been in recession since 1998. Almost all economic indicators pointed to decline. The budget deficit stood at 46 percent of expenditure, compared with 37 percent for the corresponding period in 1999, and foreign investments dropped by 13 percent. The per capita gross domestic product (GDP) is estimated at \$4,700 and unemployment is estimated to be as high as 20 percent. The country has a substantial public debt of \$22 billion (140 percent of the GDP).

The Government's overall human rights record was poor, and serious problems remain, although there were some improvements in a few areas. The right of citizens to change their government remains significantly restricted by the lack of government control over parts of the country, shortcomings in the electoral system, and Syrian influence. The August and September parliamentary elections were flawed and suffered from Syrian government influence. Members of the security forces used excessive force and tortured and abused some detainees. Prison conditions remained poor. Government abuses also included the arbitrary arrest and detention of persons who opposed government policies. Lengthy pretrial detention and long delays in trials are problems, and the courts are subject to political pressure. International observers reported that trials of former SLA personnel were not free and fair. The Government infringed on citizens' privacy rights, and continued surveillance of political activities during the year. The Government partially limited press freedom by continuing to restrict radio and television broadcasting in a discriminatory manner. Journalists practice self-censorship. The Government continued to restrict freedom of assembly, and imposes some limits on freedom of association. There are some restrictions on freedom of religion. The Government imposes some limits on freedom of movement. Violence and discrimination against women; abuse of children; discrimination against Palestinians; forced labor, including by children; child labor; and the mistreatment of foreign servants are problems.

Until the IDF withdrawal and the collapse of the SLA, artillery and aerial attacks by the various contending forces in southern Lebanon threatened life and property. These forces committed abuses, including killings, bombings, and abductions. The SLA maintained a separate and arbitrary system of justice in the zone formerly controlled by Israeli forces, which was independent of Lebanese central authority. Prior

to the SLA collapse, its officials arbitrarily arrested, mistreated, and detained persons, and sometimes expelled local residents from their homes in the zone. Palestinian groups in refugee camps maintain a separate, often arbitrary, system of justice for other Palestinians. Palestinians sometimes may appeal for legal recourse to Lebanese authorities, often through their agents in the camps. In the past, there were reports that members of the various groups that control the camps detained their Palestinian rivals and, in some instances, killed them; however, there were no reports that this occurred during the year.

#### RESPECT FOR HUMAN RIGHTS

##### *Section 1. Respect for the Integrity of the Person, Including Freedom From:*

*a. Political and Other Extrajudicial Killing.*—There were no reports of political killings by government authorities during the year.

Four persons died in custody during the year. In January a Sudanese asylum seeker died of malaria in Zahle prison. Prison officials reportedly did not offer him medical treatment before his death. An elderly SLA member died in custody in June allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. In November one SLA detainee died of cancer and another SLA detainee died from high blood pressure. The Military Court initiated an investigation into the two deaths to determine whether or not the detainees received proper medical treatment; however, it had not reached conclusions by year's end. The Government subsequently announced that it would review the medical records of all former SLA detainees (see Section 1.c.).

In October 1999, one person was killed when a bomb exploded in a Maronite church in Beirut (see Section 5).

In December 1999, Sunni extremists killed four LAF soldiers in an ambush in the northern region of Dinniyeh after the soldiers attempted to arrest two Sunni Muslims allegedly involved in a series of church bombings. On December 31, 1999, the LAF retaliated by launching a massive military operation against Sunni insurgents in the north. Five civilians, 7 LAF soldiers, and 15 insurgents were killed in the operation (see Section 5).

The judicial system continues to suffer from a backlog of hearings into cases of death in custody, some as old as 6 years. Such cases sometimes involve individuals connected to political groups or accused of criminal activity.

There were no new developments in the case of the June 1999 killings of four judicial officials at a courthouse in Sidon. The perpetrators reportedly are members of the outlawed Palestinian group "Asbat al-Ansar"; however, government authorities did not arrest any of the suspected gunmen, who are believed to be hiding in the Palestinian refugee camp of Ain-Al Hilwah.

A military tribunal in 1999 sentenced Captain Camille Yared to 10 years in prison and 4 Lebanese Forces militiamen to death in absentia for carrying out a 1996 bus bombing in Syria, which killed 11 persons. The court also sentenced 13 other Lebanese Forces members to 7 years in prison. An appeal in the case was scheduled to be held in January 2001.

There were no developments in the 1996 beating death of Akram Arbeed, who allegedly was attacked while accompanying a candidate in the 1996 parliamentary election. The case is still pending.

A court hearing in the 1998 appeal made by the prosecutor's office regarding the 1976 killing of U.S. Ambassador Francis Meloy, Embassy officer Robert Waring, and their driver, Zohair Moghrabi, has not been scheduled following a court verdict declaring the suspect, Tawfiq Mohammad Farroukh, not guilty of murder for his role in the killings.

The cycle of violence in and around the former Israeli controlled security zone decreased significantly following the IDF withdrawal in May. However, prior to the withdrawal, an estimated 20 Islamic resistance guerrillas, 8 Israeli soldiers, and 25 Lebanese civilians were killed in the south as Hizballah, Amal, and Palestinian guerrillas on the one hand, and Israeli forces and the SLA on the other, engaged in recurring violence. For example, in May Hizballah attacks in the north of Israel killed 1 person and injured 12. In retaliation for these attacks, Israel shelled military and civilian targets in the south, killing two persons. Israeli forces conducted air strikes and artillery barrages on Hizballah, Amal, and Palestinian targets, including civilian infrastructure, inside Lebanon. For example, on February 8, in response to Hizballah attacks Israel conducted air strikes on electrical power transformer stations and other targets, injuring over one dozen civilians.

There were over 110 civilian injuries prior to the May Israeli withdrawal, with most of the injuries involving minor wounds from shrapnel and broken glass. Civilians accounted for over 70 percent of the injured.

During the May IDF withdrawal from the south and the concurrent collapse of the SLA, Israeli forces killed at least four Lebanese civilians.

On October 7, IDF personnel killed 2 persons and injured 25 along the Israeli-Lebanese border during demonstrations against Israeli government actions in Israel, the West Bank, and Gaza (see Section 2.b.). On October 7, Hizballah launched shells on IDF positions in the She'ba farms area in the Golan Heights; no injuries reportedly resulted from the shelling.

On November 25, Hizballah guerrillas bombed an Israeli patrol station in the She'ba farms area, killing 1 IDF soldier. In response, Israel launched airstrikes on Hizballah positions in the south, injuring one person.

*b. Disappearance.*—There were no reports of politically motivated disappearances. The Government did not take any judicial action against groups known to be responsible for the kidnappings of thousands of persons during the 1975–1990 civil war.

In 1999 the Government established a military commission to investigate the fate of all those who disappeared during the civil war. In September the commission concluded that all persons who disappeared at least 4 years before the end of the civil war were dead. The Government endorsed the commission report and then-Prime Minister Salim al-Hoss called on all families to accept reality despite its bitterness; however, many of the family members of persons who disappeared rejected the commission's findings and called for the creation of a new commission.

In October during violent clashes in Israel, the West Bank, and Gaza, Hizballah guerrillas kidnaped 3 Israeli soldiers on patrol in the north of Israel, demanding that the Israeli Government release all remaining Lebanese detainees in Israeli prisons. At year's end, Hizballah continued to hold captive the soldiers.

*c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Torture is not banned specifically by the Constitution, and there continued to be credible reports that security forces abused detainees and, in some instances, used torture. Human rights groups report that torture is a common practice. Violent abuse usually occurs during the preliminary investigations that are conducted at police stations or military installations, where suspects are interrogated in the absence of an attorney. Such abuse occurs despite laws that prevent judges from accepting any confession extracted under duress.

The Government held incommunicado most of the 2,400 SLA personnel who surrendered to authorities following the IDF's withdrawal from the south in May (see Section 1.d.). Some former SLA detainees reported that they were abused or tortured. Amnesty International (AI) and other human rights organizations reported that some detainees were beaten, handcuffed, blindfolded, and forced to lie face down on the ground.

In 1999 police officials allegedly tortured in detention a number of Sunni youths who were suspected in involvement in a series of church bombings (see Sections 1.d. and 5).

In March ISF personnel used excessive force to disperse a demonstration in front of the Prime Minister's residence protesting the Government's expulsion of four Japanese Red Army members to Jordan. The officers injured at least one demonstrator and a journalist (see Sections 2.a. and 2.b.). The Government took no action against the officers. Ten demonstrators were arrested but were released shortly afterwards.

On April 17, in Beirut security forces used excessive force to break up a demonstration calling for the withdrawal of Syrian forces from the country; 13 persons were injured, and 8 persons were arrested and subsequently tried and sentenced by a military court (see Sections 1.d. and 1.e.).

On numerous occasions following the May IDF withdrawal from the south, civilians threw rocks, hot oil, and Molotov cocktails at IDF soldiers across the border, which resulted in some injuries. Hizballah reportedly supported these cross-border attacks, and the Government did little to halt them. On several occasions IDF troops returned fire and sometimes injured civilians.

Abuses occurred in areas outside the State's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals (see Section 1.d.).

Prison conditions are poor and do not meet minimum international standards. The Ministry of Interior operates 18 prisons with a total capacity of 3,840 inmates. However, prisons are overcrowded, with a total population of about 8,375. Inmates lack heat, adequate toilet facilities, and proper medical care. The Government has not budgeted funds to overhaul the prison system. In September the Beirut Bar Association organized a conference composed of local and international participants to underscore the need for local penal reform. The head of the Association described the country's prison facilities as "unfit for animals." The Government made an effort to carry out rehabilitation for some inmates. Inmates at Roumieh prison participated in vocational activities such as computer training courses in order to provide

them with skills upon release. In September 36 inmates in Roumieh prison received certificates of accomplishment following completion of a computer training program.

Three SLA detainees died of natural causes in custody during the year; however, one detainee died allegedly because prison officials refused to provide him with his medicine, which was manufactured in Israel. One Sudanese detainee died of malaria during the year after prison officials reportedly refused to offer him medical assistance (see Section 1.a.). The Surete Generale, which mans border posts, operates a detention facility. Hundreds of foreigners, mostly Egyptians and Sri Lankans, are detained there pending deportation. They reportedly are held in small, poorly ventilated cells.

Former Lebanese Forces leader Samir Ja'Ja', who is serving four life sentences for the murder or attempted murder of various political figures during and after the civil war, is kept in solitary confinement in a prison in the basement of the Ministry of Defense. He is permitted minimal exercise and allowed only periodic visits from his family and lawyers. He is not allowed to read newspapers or listen to the radio. Government officials stated that his solitary confinement is necessary for his own protection.

Local journalists and human rights organizations had access to certain prisons during the year. Access to prisons controlled by the Ministry of Defense was not permitted. Following the Israeli withdrawal from the south, the Government did not grant independent monitors access to former SLA soldiers in custody. In December government officials stated that International Committee of the Red Cross (ICRC) representatives would be allowed to visit all SLA detainees; however, the Government did not sign a memorandum of understanding by year's end.

Prior to the Israeli withdrawal from the south, Hizballah detained and reportedly mistreated SLA members and suspected agents at unknown locations. The SLA operated its own detention facility, Al-Khiam prison, and there were frequent allegations of torture and mistreatment of detainees (see Section 1.d.). Hizballah and the SLA occasionally released and exchanged prisoners.

Hizballah did not permit prison visits by human rights monitors. Before its May dissolution, the SLA allowed representatives of the ICRC and family members of inmates to visit detainees at Al-Khiam prison.

*d. Arbitrary Arrest, Detention, or Exile.*—The Government uses arbitrary arrest and detention. The law requires security forces to obtain warrants before making arrests; however, military prosecutors, who are responsible for cases involving the military as well as those involving espionage, treason, weapons possession, and draft evasion, make arrests without warrants. Arresting officers are required to refer a subject to a prosecutor within 24 hours of arrest, but frequently do not do so.

The law requires the authorities to release suspects after 48 hours of arrest if no formal charges are brought against them. Some prosecutors flout this requirement and detain suspects for long periods in pretrial confinement without a court order. The law authorizes judges to remand suspects to incommunicado detention for 10 days with a possible extension for an additional 10 days. Bail is available only to those accused of petty crimes, not to those accused of felonies. Defendants have the right to legal counsel, but there is no state-funded public defender's office. The Bar Association operates an office for those who cannot afford a lawyer, and the court panel on many occasions has asked the Bar Association to appoint lawyers for defendants.

Security forces continued the practice of arbitrary arrest. Security forces detained and interrogated scores of citizens, predominately Christian supporters of exiled General Michel 'Awn, and of the jailed commander of the disbanded Lebanese Forces, Samir Ja'Ja'. These detentions and searches of homes took place without warrants, and detainees claim that they were not given access to lawyers. Most detainees were released after they were forced to sign documents stating that they would abstain from politics.

In 1999 police officials detained and allegedly tortured a number of Sunni youths for suspected involvement in church bombings; however, the youths later were released due to a lack of evidence (see Sections 1.a. and 5).

On April 13, authorities detained students from the National Free Current, a pro-Awnist group, for distributing antigovernment and anti-Syria leaflets (see Section 2.a.). In April ISF personnel arrested and subsequently released a number of demonstrators (see Sections 1.c. and 2.b.). In September authorities detained nine Lebanese Forces activists in connection with a rally protesting the Syrian presence in Lebanon (see Section 2.b.); authorities released these detainees after they paid a monetary fine.

The Government held incommunicado most of the 2,400 SLA members who surrendered to the authorities following the IDF's withdrawal from the south in May (see Section 1.c.).

The authorities often detain without charges for short periods of time political opponents of the Syrian and Lebanese Governments. Most of the former senior government officials who were detained in 1999 on charges of embezzlement or misuse of power were released on bail, including former Minister of Petroleum Shahe Baroumian. The former officials were detained without charge for prolonged periods of time in Roumieh prison, in violation of due process. Legal actions still are pending against them; however, they are free to travel abroad.

Palestinian refugees are subject to arrest, detention, and harassment by state security forces, Syrian forces, various militias, and rival Palestinians.

There were no allegations during the year of the transfer of citizens by government authorities to Syria. In December the Syrian Government transferred 46 Lebanese citizens, 7 Palestinian residents of Lebanon, and 1 Egyptian citizen from Syrian prisons to Lebanese custody. The Government announced that it will review each case; persons who have completed their sentences will be released, and persons with outstanding prison time will continue to serve out their sentences. Human rights activists believe that there are remaining Lebanese detainees in Syrian prisons; however, the exact number is unknown. Amnesty International reported in 1999 that "hundreds of Lebanese, Palestinians, and Jordanians have been arbitrarily arrested, some over 2 decades ago, and remain in prolonged and often secret detention in Syria." According to AI, Syrian forces operating in Lebanon carried out searches, arrests, and detentions of Lebanese nationals outside any legal framework.

In August Syria released Shaykh Hashem Minqara, a radical Sunni member of the Islamic Unification Movement ("Tawheed"), who was arrested by Syrian forces in 1985 and transferred to Syria.

Abuses occurred in areas outside the state's authority, including the Palestinian refugee camps. There were reports during the year that members of the various groups that control the camps detained their Palestinian rivals.

Local militias, including Hizballah, continued to conduct arbitrary arrests in areas outside central government control. There were credible reports that Hizballah detained scores of former SLA militiamen before handing them over to government authorities for trial.

Prior to the Israeli withdrawal, the SLA operated its own detention facility, Al-Khiam prison. There were frequent reports of torture and mistreatment of detainees. Following the disbandment of the SLA in May, all of the prison's 140 inmates were released. A number of former inmates publicly recounted incidents of abuse by prison officials (see Section 1.c.).

In April the Israeli Government released 13 Lebanese detainees who were held without charge in Israel for as long as 14 years; the former detainees returned to Lebanon under the auspices of the ICRC. Israel continues to hold 21 Lebanese citizens, including Sheikh Abed Al-Karim Obaid and Mustafa Dirani.

Exile as a form of punishment is not practiced regularly; however, in 1991 the Government pardoned former army commander General Michel 'Awn and two of his aides on the condition that they depart the country and remain in exile for 5 years; 'Awn remained in France at year's end. 'Awn was accused of usurping power. Former President Amine Gemayel, who lived in France in exile for the past 12 years, returned to the country in July.

*e. Denial of Fair Public Trial.*—The judiciary is independent in principle; however, it is subject to political pressure. The Constitution provides for a constitutional council to supervise the constitutionality of laws and stipulates that judges shall be independent in the exercise of their duties; however, influential politicians as well as Syrian and Lebanese intelligence officers sometimes intervene to protect their supporters from prosecution.

The judicial system is composed of the regular civilian courts; the Military Court, which tries cases involving military personnel and military-related issues; the Judicial Council, which tries national security cases; and the tribunals of the various religious affiliations, which adjudicate matters of personal status, including marriage, divorce, inheritance, and child custody.

The Judicial Council is a permanent tribunal of five senior judges that adjudicates threats to national security. On the recommendation of the Minister of Justice, the Cabinet decides whether to try a case before this tribunal. Verdicts from this tribunal are irrevocable and may not be appealed.

The Ministry of Justice appoints all other judges according to a formula based on the religious affiliation of the prospective judge. A shortage of judges has impeded efforts to adjudicate cases backlogged during years of internal conflicts. Trial delays

are aggravated by the Government's inability to conduct investigations in areas outside of its control. Defendants have the right to examine evidence against them. The testimony of a woman is equal to that of a man.

In April the military court sentenced eight students to between 10 days and 6 weeks in prison following their participation in demonstrations against the presence of Syrian troops in the country (see Sections 1.c., 1.d., and 2.b.). All of the students had been released by year's end.

In June the Military Court began trying the cases of the 3,033 SLA militiamen who surrendered to the Government following the Israeli withdrawal from the south. Some of the former SLA militiamen were charged under Article 273 of the Penal Code for taking up arms against the State, an offense punishable by death; others were charged under Article 285 of the Penal Code for trading with the enemy, an offense punishable by a minimum of 1 year in prison. Domestic human rights groups and international nongovernmental organizations (NGO's) reported that the trials were open to journalists and members of the public, but were not fair. Amnesty International reported that "such summary trials," with barely 7 minutes spent on each individual neither allow the innocent to be acquitted nor ensure the discovery of those who may be guilty of war crimes. According to AI, the court tried between 23 and 43 persons each day. SLA lawyers who requested an adjournment to study the files of detainees were granted additional time. However, in most cases, defense lawyers received the file shortly before trial and consequently were unable to argue the cases individually. The standard defense presented by lawyers for the militiamen was that the Government had been unable to defend citizens living under Israeli occupation for the last 22 years. Therefore the residents had no choice but to work with the occupiers.

By year's end, 2,035 former SLA members received sentences ranging from 1 week to life imprisonment. About one-third of the former SLA members received 1-year prison sentences and about one-third received sentences of 3 to 4 weeks under Article 273 of the Penal Code, which criminalizes taking up arms against the State. Two persons who were implicated in the abuse and torture of prisoners at Al-Khiam prison were sentenced to life in prison. The Military Prosecutor recommended the death sentence for 37 former SLA militiamen for allegedly killing members of "the resistance" (i.e., Hizballah). Twenty-one of these militiamen were tried while in government custody; however, 16 were tried in absentia. The Military Court denied every recommendation for the death sentence and handed down lighter sentences in each case. Following attacks by angry crowds on two former SLA members in their villages, the court amended the sentences of some persons, barring them from returning to their villages for several years. According to the Government, these bans were issued to protect the former SLA members and were difficult to enforce. There were no additional reports that former SLA members who returned to their villages were subjected to harassment. The Government released most of the 220 SLA militiamen who were tried following the June 1999 SLA withdrawal from Jezzine in the south; however, 9 remained in prison at year's end.

Hizballah applies Islamic laws in areas under its control. Palestinian groups in refugee camps operate an autonomous and arbitrary system of justice. The SLA also maintained a separate and arbitrary system of justice before its May disbandment. There were no reports of political prisoners.

*f. Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—While the authorities generally show little interest in controlling the personal lives of citizens, they readily interfere with the privacy of persons regarded as foes of the Government. Laws require that prosecutors obtain warrants before entering houses except when the army is in hot pursuit of armed attackers; however, in practice the law is not respected.

The Government and Syrian intelligence services use informer networks and monitor telephones to gather information on their adversaries. The Army Intelligence Service monitors the movements and activities of members of opposition groups (see Section 2.b.). The Government concedes that telephone calls are monitored by security services, but claims that monitoring occurs only with prior authorization from competent judicial authorities. During September 1999 parliamentary hearings, the Speaker of Parliament, the Minister of Interior, and the Surete Generale Director General publicly acknowledged that government officials frequently monitor citizens' private telephone conversations.

Politicians and human rights advocates report increasing and more overt government intelligence services' surveillance of political meetings and political activities across the religious and political spectrum. In October 1999, the Parliament passed a law that authorized surveillance in national security and law enforcement cases, but banned its use against ministers and parliamentary deputies.

Militias and non-Lebanese forces operating outside the area of central government authority frequently have violated citizens' privacy rights. Various factions also use informer networks and the monitoring of telephones to obtain information on their adversaries.

In August government officials raided the office of an Internet service provider (ISP) based on allegations that the ISP was distributing pornographic materials through the operation of a web site targeted for the homosexual community (see Section 2.a.).

*Section 2. Respect for Civil Liberties, Including:*

*a. Freedom of Speech and Press.*—The Constitution provides for freedom of the press; however, the Government partially limits this right in practice, particularly by intimidating journalists and broadcasters into practicing self-censorship. In 1998 the Government rescinded a total ban on satellite news; however, it continues to censor television broadcasts on a case-by-case basis.

The country has a long history of freedom of opinion, speech, and the press. Although there were repeated attempts to restrict these freedoms during the year, daily criticism of government policies and leaders continued. Dozens of newspapers and hundreds of periodicals are published throughout the country, financed by various local and foreign groups. While the press is independent, press content often reflects the opinions of these financial backers.

The Government has several tools at its disposal to control freedom of expression. The Surete Generale is authorized to approve all foreign magazines and non-periodical works, including plays, books, and films, before they are distributed in the market. The law prohibits attacks on the dignity of the Head of State or foreign leaders. The Government may prosecute offending journalists and publications in the Publications Court, a special tribunal empowered to try such matters.

Moreover, the 1991 security agreement between Lebanon and Syria contains a provision that effectively prohibits the publication of any information deemed harmful to the security of either state. In view of the risk of prosecution, journalists censor themselves on matters related to Syria.

During the year, the Government did not bring charges against any newspaper. In 1999 President Lahoud announced that under his tenure no charges would be brought against any journalist because of his writings or opinions. However, in June the Surete Generale banned seven foreign publications for allegedly insulting the late Syrian President Hafez Al-Asad. The Surete Generale seized at the airport four newspapers and three magazines—The Herald Tribune, Le Monde, Liberation, the Financial Times, the Economist, Time, and Newsweek. The Surete stated that “there were malicious attacks in some publications which were not about political thinking but only sought to defame Al-Asad and hurt the feelings of those upset by his death.” In September the Government banned an edition of The Economist because it contained an article about Syria and the Middle East peace process, which was deemed insulting to the Syrian Government. In December the State Prosecutor's office questioned a journalist and two directors of An-Nahar newspaper about an article that was critical of both the Lebanese and Syrian security services. Following the interrogation, the State Prosecutor released all three persons.

In April ISF personnel injured a journalist who was covering a protest (see Section 1.c.). On April 13, authorities detained persons for distributing antigovernment and anti-Syria leaflets. The Military Court subsequently sentenced eight students to varying lengths of time in prison. All of the students had been released by year's end (see Sections 1.d. and 1.e.).

In May Dr. Muhammad Muqraby criticized the country's judicial system at a press conference. The State Prosecutor's office requested that the Bar Association lift Dr. Muqraby's immunity in order to prosecute him for defaming the judiciary, and the Bar Association complied with this request. However, Muqraby challenged the decision of the Bar Association; the case was pending at year's end.

In June the Government cancelled the passport of a correspondent for Al-Hayat newspaper, allegedly because she “fraternized with the enemy” when she appeared publicly with an Israeli official. The Government reissued the journalist's passport shortly after the incident.

In June the Military Court sentenced a man to 1 year imprisonment for calling on the public to celebrate the death of the late Syrian president Al-Asad.

In August government officials raided the office of an Internet service provider (ISP) based on allegations that the ISP was distributing pornographic materials through operation of a website aimed at the homosexual community. The Government also pressed charges against the owner of the ISP and a human rights activist on national security grounds (see Section 1.f.).



A court hearing remains pending in the case of An-Nahar journalist Pierre Attallah, who was charged in absentia in June 1998 for defaming the judiciary and entering Israel.

The country has a strong tradition of academic freedom and a flourishing private educational system (a result of inadequate public schools and a preference for religious community affiliation). Students exercise the right to form campus associations, and the Government usually does not interfere with student groups.

*b. Freedom of Peaceful Assembly and Association.*—The Constitution provides for freedom of assembly; however, the Government restricts this right. In 1998 the Government lifted its longstanding decree banning all demonstrations. Any group that wishes to organize a rally must obtain the prior approval of the Ministry of Interior, which does not render decisions consistently. Groups opposing government positions sometimes do not receive permits. Various political factions such as Amal, Hizballah, 'Awnists, and supporters of former Prime Minister Hariri held several rallies during the year; the 'Awnists demonstrated without a permit.

In June police forces prevented some 200 supporters of exiled General Michel 'Awn from erecting two plaques at Nahr Al-Kalb, north of Beirut; one plaque commemorated the Israel withdrawal from Lebanon and the second plaque was left blank in anticipation of a withdrawal of Syrian troops.

On several occasions during the year, military personnel used excessive force to disperse protesters, sometimes arresting protesters (see Sections 1.c. and 1.d.).

In October thousands of Palestinian refugees and Lebanese citizens demonstrated peacefully on numerous occasions against Israeli government actions in Israel, the West Bank, and Gaza.

The Constitution provides for freedom of association, and the Government generally respects this right and does not interfere with the establishment of private organizations; however, it imposes some limits on this right. The law requires organizations to obtain from the Ministry of Interior a receipt, which is essentially a permit, and may be withheld by the Ministry.

The Ministry of Interior scrutinizes requests to establish political movements or parties and to some extent monitors their activities. The Army Intelligence Service monitors the movements and activities of members of opposition groups (see Section 1.f.).

Syria does not allow groups that it considers openly hostile to operate in areas under its control.

*c. Freedom of Religion.*—The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there are some restrictions. Discrimination based on religion is built into the system of government. There are no legal barriers to proselytizing; however, traditional attitudes and edicts of the clerical establishment discourage such activity.

The State is required to ensure the free exercise of all religious rites provided that public order not be disturbed. The Constitution also provides that the personal status and religious interests of the population be respected. The Government permits recognized religions to exercise authority over matters pertaining to personal status, such as marriage, divorce, and inheritance. There is no state religion; however, politics are based on the principle of religious representation, which has been applied to every conceivable aspect of public life.

A group that seeks official recognition must submit its dogma and moral principles for government review to ensure that such principles do not contradict popular values and the Constitution. The group must ensure that the number of its adherents is sufficient to maintain its continuity. Alternatively, religious groups may apply to obtain recognition through existing religious groups. Official recognition conveys certain benefits, such as tax-exempt status and the right to apply the recognized religion's codes to personal status matters.

The unwritten "National Pact" of 1943 stipulates that the President, the Prime Minister, and the Speaker of Parliament be a Maronite Christian, a Sunni Muslim, and a Shi'a Muslim, respectively. The Taif Accord, which ended the country's 15-year civil war in 1990, reaffirmed this arrangement but resulted in increased Muslim representation in Parliament and reduced the power of the Maronite President. The Accord called for the ultimate abolition of political sectarianism in favor of "expertise and competence." However, little substantive progress has been made in this regard. A "Committee for Abolishing Confessionalism," which was called for in the Taif Accord, has not yet been formed. Christians and Muslims are represented equally in the Parliament and Cabinet, and posts in the civil service, are distributed proportionally among the 18 recognized groups (see Section 3).

Each recognized religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance. State recognition is not a legal

requirement for religious worship or practice. For example, although Baha'is, Buddhists, and Hindus are not recognized officially, they are allowed to practice their faith without government interference; however, their marriages, divorces, and inheritances in the country are not recognized under the law.

The Government does not require citizens' religious affiliations to be indicated on their passports; however, the Government requires that religious affiliation be encoded on national identity cards.

An individual may change his religion if the head of the religious group he wishes to join approves of this change. There are different personal status codes for each of the 18 officially recognized religious groups. Administered by representatives of the groups, these codes govern many areas of civil law, including marriage, divorce, inheritance, and child custody. Many families have relatives who belong to different religious communities, and intermarriage is not uncommon; however, intermarriage may be difficult to arrange in practice between members of some groups because there are no procedures for civil marriage. An attempt in 1998 by then-President Elias Hrawi to forward legislation permitting civil marriage failed in the face of opposition from the religious leadership of all confessions.

Article 473 of the Penal Code stipulates that one who "blasphemes God publicly" faces imprisonment for up to a year.

*d. Freedom of Movement Within the Country, Foreign Travel Emigration and Repatriation.*—The Constitution provides for these rights, and the Government generally respects them in practice; however, there were some limitations prior to the Israeli withdrawal from the south. Travel to Israel is prohibited by law. All males between 18 and 21 years of age are subject to compulsory military service and are required to register at a recruitment office and obtain a travel authorization document before leaving the country. Husbands may block travel by their wives and minor children (see Section 5).

The LAF and Syrian troops maintain checkpoints throughout much of the country. Prior to the Israeli withdrawal from the south, the Lebanese Army, the IDF, and the SLA maintained tight restrictions on the movement of persons and goods in and out of Israel's self-declared security zone. Following the Israeli withdrawal, dozens of customs and military intelligence officers were dispatched to the south. In August the Government deployed approximately 1,000 ISF and LAF officers to the south; however the officers were not deployed to the border by year's end. The ISF assumed responsibility for maintaining law and order in most of the region. Following the withdrawal, the Government announced that citizens no longer required permits to visit Jezzine. The U.N. Interim Forces in Lebanon also increased its area of operations in the country.

There are no legal restrictions on the right of all citizens to return. However, many emigres are reluctant to return for a variety of political, economic, and social reasons. The Government encouraged the return to their homes of over 600,000 persons displaced during the civil war. In 1999 and continuing during the year, the Central Fund for the Displaced paid 13,500 squatter families approximately \$65 million (97.5 billion Lebanese pounds) to move out of the homes they occupied and disbursed an additional \$133 million (195 billion Lebanese pounds) for the reconstruction and rehabilitation of homes that were damaged during the civil war. Although some persons have begun to reclaim homes abandoned or damaged during the war, the vast majority of displaced persons have not attempted to reclaim and rebuild their property. The resettlement process is slowed by tight budgetary constraints, destroyed infrastructure, political feuds, the lack of schools and economic opportunities, and the fear that physical security still is incomplete in some parts of the country. During the year, the Ministry of Displaced sponsored several reconciliation meetings between Christian and Druze residents in eight villages throughout Chouf and Aley.

Some 6,000 SLA militiamen and their families fled to Israel following the Israeli withdrawal and concurrent collapse of the SLA in May. Approximately 1,580 of these former SLA personnel returned to Lebanon, several hundred relocated elsewhere outside of Israel, and 4,400 remained in Israel at year's end. The former SLA personnel who returned to Lebanon faced trial for taking up arms against the State or for trading with the enemy and most received prison sentences of varying lengths (see Section 1.e.). Those who remain in Israel reportedly wish to avoid facing trial or fear possible retribution. The Government publicly stated that the former SLA militiamen are welcome to return to the country; however, they would face trial upon their return.

Most non-Lebanese refugees are Palestinians. The U.N. Relief and Works Agency (UNRWA) reported in 1999 that the number of Palestinian refugees in the country registered with the UNRWA was about 370,000. This figure, which includes only the families of refugees who arrived in 1948, is presumed to include many thousands

who reside outside the country. Most experts estimate the actual number now in the country to be fewer than 200,000. Most Palestinian refugees are unable to obtain citizenship and are subject to governmental and societal discrimination; however, Palestinian women who marry Lebanese men can obtain citizenship (see Section 5).

The Government issues laissez-passers (travel documents) to Palestinian refugees to enable them to travel and work abroad. In January 1999, the Government eased the tight travel restrictions that it previously imposed on Palestinians resident in the country and entering from other countries by revoking a decision that had required all Palestinian refugees who hold Lebanese travel documents to obtain entry and exit visas when entering or leaving the country. However, in March 1999, the Government stopped issuing visitors' visas to Jordanian nationals who were born in Lebanon and are of Palestinian origin.

There are no legal provisions for granting asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government does not grant first asylum. The Government grants admission and temporary (6 months) refuge to asylum seekers, but not permanent asylum. The Government generally cooperates with the offices of the U.N. High Commissioner for Refugees (UNHCR) and UNRWA.

There are nearly 3,600 non-Palestinian refugees (mostly Iraqi Shi'a and Kurds) residing in the country, according to the UNHCR. The Surete Generale periodically detains non-Palestinian refugees, primarily Iraqis and Sudanese, for illegal entry. Some of those detained are registered with the UNHCR and are eligible for resettlement outside the country. The Surete Generale denies UNHCR officials access to the detainees. There were credible reports that the Surete Generale detained Iraqi refugees and deported them back to Iraq.

The Government granted political asylum to Japanese Red Army (JRA) member Kozo Okamoto, citing services rendered to the Arab cause and his physical incapacity; Okamoto led the massacre at Israel's Lod airport in 1972. The Government refused to grant asylum to four other JNA members and deported them to Japan.

### *Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government*

The Constitution states that citizens have the right to change their government in periodic free and fair elections; however, effective lack of control over parts of the country, defects in the electoral process, and strong Syrian influence over politics and decisionmakers significantly restrict this right. There was some improvement in the parliamentary elections held in August and September in that there were fewer incidents of voter fraud and tampering with ballots than in the previous election; however, the electoral process was flawed by serious shortcomings.

According to the Constitution, elections for the Parliament must be held every 4 years. The Parliament, in turn, elects the President every 6 years. The President and Parliament nominate the Prime Minister, who, with the President, chooses the Cabinet. According to the unwritten "National Pact of 1943," the President is a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker a Shi'a Muslim (see Section 2.c.). Since the National Reconciliation Agreement reached in Taif, Saudi Arabia in 1989, which revised the 6 to 5 ratio of Christian to Muslim seats in Parliament, there has been a 50-50 balance between Christian and Muslim Members of Parliament. The Taif Accord also increased the number of seats in Parliament and transferred some powers from the Maronite President to the Sunni Prime Minister and the religiously mixed Cabinet.

Parliamentary elections in August and September were flawed. The Syrian Government heavily influenced the electoral law governing the process and also pre-approved all of the candidates on alliance slates who ultimately won seats in the Cabinet. Security officials promoted relatives and political allies, and government officials supervised voting. The Government also used the official television station, Teleliban to promote progovernment candidates and to denigrate the leading opposition candidate, former Prime Minister Rafiq Hariri. Officials applied inconsistent voting regulations, often favoring progovernment candidates. Officials of various security services became personally involved in promoting candidates who were political allies or relatives. Nonetheless, Prime Minister Hoss lost his seat in a contested election as did many progovernment candidates. Following his overwhelming victory in the Beirut electoral districts, former Prime Minister Hariri was appointed Prime Minister on October 23. Following consultation between the Government and senior Syrian officials, President Lahoud and Prime Minister Hariri reached an agreement on the composition of the new Cabinet.

In 1998 the Parliament elected a new President after amending the Constitution on a one-time basis to permit senior government officials to run for office. (The Con-

stitution prohibits senior government officials from running for president unless they resign at least 2 years before the election. The amendment provided for a one-time exception to this provision.) There was substantial criticism of the Syrian role in influencing political leaders in the selection of the presidential candidate; however, there was broad public support for the new President, Emile Lahoud, who took office in November 1998. In 1999 municipal elections were held in 39 villages and towns. Local observers reported that the elections were generally free and fair; however, they were characterized by a number of irregularities, including the absence of names from voting lists, the closure of the registration department on voting day, and the presence of security personnel in polling stations. By-elections in the areas formerly occupied by Israel are scheduled to be held in 2001.

Women have the right to vote and there are no legal barriers to their participation in politics; however, there are significant cultural barriers, and women are underrepresented in government and politics. No woman has ever held a cabinet position. In September 3 women were elected to the 128-seat Parliament.

Palestinian refugees have no political rights (see Section 5). An estimated 17 Palestinian factions operate in the country, generally organized around prominent individuals. Most Palestinians live in refugee camps controlled by one or more factions. The leaders of the refugees are not elected, but there are "popular committees" that meet regularly with the UNRWA and visitors.

#### *Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights*

Several local human rights groups operate freely without overt government restriction, including the Lebanese Association for Human Rights, the Foundation for Human and Humanitarian Rights-Lebanon, and the National Association for the Rights of the Disabled. Some of these groups have sought to publicize the detention in Syria of hundreds of Lebanese citizens and took credit in part for the release of a number of Lebanese from Syrian jails during 1998 (see Section 1.d.). The Bar Association and other private organizations regularly hold public events that include discussion of human rights issues. Some human rights groups reported harassment and intimidation by government, Syrian, Hizballah, and SLA forces.

In July AI opened an office in the country.

During the year, government officials discussed human rights problems with representatives of foreign governments and NGO's.

#### *Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status*

The Constitution calls for "social justice and equality of duties and rights among all citizens without prejudice or favoritism;" however, in practice aspects of the law and traditional beliefs discriminate against women. Religious discrimination is built into the political system. The law gives preferences to the disabled for employment in government positions. Discrimination based on race, language, or social status is illegal and is not widespread among citizens; however, foreign domestic servants often are mistreated.

*Women.*—Violence against women is a problem. The press reports cases of rape with increasing frequency, and cases reported are thought to be only a fraction of the actual number. There are no authoritative statistics on the extent of spousal abuse. Most experts agree that the problem affects a significant portion of the female population. In general battered or abused women do not talk about their suffering for fear of bringing shame upon their own families or accusations of misbehavior upon themselves. Some religious courts legally can compel a battered wife to return to the house in spite of physical abuse. Many women are compelled to remain in abusive marriages because of social and family pressures. Possible loss of custody of children and the absence of an independent source of income also prevent women from leaving their husbands. Doctors and social workers believe that most abused women do not seek medical help because of shame or inability to pay for treatment. The Government has no separate program to provide medical assistance to battered women; however, it provides legal assistance to victims of crimes who cannot afford it regardless of the gender of the victim. In most of the cases, the police ignore complaints submitted by battered or abused women. The Lebanese Council to Resist Violence Against Women, which was founded in 1997, has been active in working to reduce violence against women by offering counseling and legal aid, and raising awareness about domestic violence.

Foreign domestic servants often are mistreated, abused, and in some cases, raped. Asian and African female workers have no legal recourse available to them because of their low status and isolation from society and because the labor laws do not protect them (see Section 6.e.). Because of such abuse, the Government prohibits for-

eign women from working if they are from countries that do not have diplomatic representation in the country.

The legal system is discriminatory in its handling of so-called "honor crimes." According to the Penal Code, a man who kills his wife or other female relative may receive a reduced sentence if he demonstrates that he committed the crime in response to a socially unacceptable sexual relationship conducted by the victim. However, in 1999 the law was amended to increase the severity of the sentence for perpetrators of "honor crimes." Several instances of honor crimes are reported in the media every year.

Women have varying employment opportunities in government, medicine, law, academia, the arts, and to a lesser degree, business. However, social pressure against women pursuing careers is strong in some parts of society. Men sometimes exercise considerable control over female relatives, restricting their activities outside the home or their contact with friends and relatives. Women may own property but often cede control of it to male relatives for cultural reasons and because of family pressure. In 1994 the Parliament removed a legal stipulation that a woman must obtain her husband's approval to open a business or engage in a trade. Husbands may block foreign travel by their wives (see Section 2.d.). The testimony of a woman is equal to that of a man (see Section 1.e.). During the year, the Government amended some labor laws affecting women. For example, maternity leave was extended and women no longer are forbidden from working at night.

Only men may confer citizenship on their spouses and children. Accordingly, children born to citizen mothers and foreign fathers are not eligible for citizenship. Citizen widows may confer citizenship on their minor children.

Religious groups administer their own family and personal status laws (see Section 2.c.). There are 18 recognized religious groups, each of which differs in its treatment of marriage, family, property rights, and inheritance. Many of these laws discriminate against women. For example, Sunni inheritance law provides a son twice the inheritance of a daughter. Although Muslim men may divorce easily, Muslim women may do so only with the concurrence of their husbands. There is no law that permits civil marriages, although such ceremonies performed outside the country are recognized by the State. Only religious authorities may perform marriages.

*Children.*—The plight of children remains a serious concern; however, the Government has not allocated funds to protect them. Many children, particularly in rural areas, take jobs at a young age to help support their families. In lower income families, boys generally receive more education, while girls usually remain at home to perform housework. Illiteracy rates have reached 37.5 percent. In 1998 the Government enacted a law making education free and compulsory until the age of 12. However, public schools generally are inadequate, and the cost of private education is a significant problem for the middle and lower class. The Government also raised the age of child employment from 8 to 13.

An undetermined number of children are neglected, abused, exploited, and even sold to adoption agents. The normal procedure for adoption is through religious homes or institutions authorized to arrange adoption; however, the demand to provide infants for adoption abroad results in illegal international adoptions. There are no statistics available concerning the prevalence of the illegal adoption of infants. Poor children often are compelled by their parents to seek employment, and often take jobs that jeopardize their safety, including in industry, car mechanic shops, and carpentry (see Section 6.d.). Because of their ages, wages earned by such children are not in conformity with labor regulations. The Government does not have specific child protection laws to remove children from abusive situations and does not grant NGO's adequate legislative standing to litigate on behalf of abused minor children.

There are hundreds of abandoned children in the streets nationwide, some of whom survive by begging, others by working at low wages. In 1999 the first Center for Street Children was opened to house and rehabilitate street children. The Center has been active in gathering children from various regions and providing a home for them. The Center places disabled children in institutions and refers children with police records to juvenile courts.

Juvenile delinquency is on the rise; many delinquents wait in ordinary prisons for trial and remain there after sentencing. Although their number is small, there is no adequate place to hold delinquent girls; therefore, they are held in the women's prison in Ba'abda. Limited financial resources have hindered efforts to build adequate facilities to rehabilitate delinquents. The Government operates a modern juvenile detention facility in Ba'asir, which opened in 1998.

The Committee for Children's Rights, formed in 1993 by prominent politicians and some local NGO's, has been lobbying for legislation to improve the condition of children. The Ministry of Social Affairs oversees the Higher Council for Childhood and the National Committee for Literacy. The Higher Council for Childhood prepared

legal studies and produced progress reports on national compliance with the Convention on the Rights of the Child. The Ministry of Health requires the establishment of health records for every child up to 18 years of age.

*People with Disabilities.*—Over 100,000 persons became disabled during the civil war. Care of the disabled generally is performed by families. Most efforts to secure education, independence, health, and shelter for the disabled are made by some 100 private organizations. These organizations are relatively active, although poorly funded.

The heavily damaged cities make few accommodations for the disabled. The Government does not mandate building code requirements for nongovernment buildings for ease of access by the disabled, although the Government in its rebuilding projects has constructed sidewalks in some parts of Beirut that allow access for the disabled. The private "Solidere" project for the reconstruction of downtown Beirut has self-imposed requirements for disabled access. This project is considered a model for future construction efforts around the country.

During the year, the Parliament passed amendments to the law on disabled persons, which stipulates that at least 3 percent of all government and private sector positions should be filled by persons with disabilities, provided that such persons fulfill the qualifications of the position. The amendments provide the private sector with tax reduction benefits if the number of disabled that were hired exceeded the number specified in the law. The amendments also impose new building codes in all government buildings and require that public transportation be accessible for disabled persons.

*Religious Minorities.*—Discrimination based on religion is built into the system of government (see Sections 2.c. and 3). The amended Constitution of 1990 embraces the principle of abolishing religious affiliation as a criterion for filling government positions, but few practical steps have been taken to accomplish this aim. One notable exception is the Lebanese Armed Forces, which, through universal conscription and an emphasis on professionalism, has reduced significantly the role of religious sectarianism in that organization. Each religious group has its own courts for family law matters, such as marriage, divorce, child custody, and inheritance.

On October 3, 1999, one person was killed when a bomb exploded in a Maronite church in an eastern Beirut suburb. There were no arrests made in this case during the year.

Throughout the fall of 1999, approximately six random bombings were carried out against Orthodox churches and shops that sold liquor; the bombings took place in the northern city of Tripoli and in surrounding areas. The Government suspected that radical Sunni extremists carried out the bombings in retaliation for Russian military operations in Chechnya. Police officials detained and allegedly tortured a number of Sunni youths for suspected involvement in these bombings; however, the youths later were released due to a lack of evidence (see Section 1.d.).

In December 1999, Sunni extremists killed four LAF soldiers in an ambush in the northern region of Dinniyeh after the soldiers attempted to arrest two Sunni Muslims allegedly involved in a series of church bombings. On December 31, 1999, the LAF retaliated by launching a massive military operation against Sunni extremists in the north. Five civilians, 7 LAF soldiers, and 15 extremists were killed in this operation (see Section 1.a.).

*National/Racial/Ethnic Minorities.*—According to the United Nations, an estimated 370,000 Palestinian refugees are registered in the country (see Section 2.d.); however, it is believed that fewer actually reside there. Most Palestinian refugees live in overpopulated camps that have suffered repeated heavy damage as a result of fighting. The Government generally has prohibited the construction of permanent structures in the camps on the grounds that such construction encourages the notion of permanent refugee settlement in the country. Refugees fear that in the future the Government may reduce the size of the camps or eliminate them completely.

The Government officially ended its practice of denying work permits to Palestinians in 1991. However, in practice, very few Palestinians receive work permits, and those who find work usually are directed into unskilled occupations. They and other foreigners may own a limited size plot of land but only after obtaining the approval of five different district offices. The law applies to all foreigners, but for political, cultural, and economic reasons it is applied in a manner disadvantageous to Palestinians and, to a lesser extent, to the 25,000 Kurds in the country. The Government does not provide health services to Palestinian refugees, who rely on UNRWA and UNRWA-contracted hospitals.

In recent years, Palestinian incomes have declined as the Palestine Liberation Organization (PLO) closed many of its offices in the country, which formerly employed as much as 50 percent of the Palestinian work force. Palestinian children reportedly

have been forced to leave school at an early age because U.N. relief workers do not have sufficient funds for education programs. The U.N. estimates that 18 percent of street children are Palestinian. Drug addiction and crime reportedly are increasing in the camps, as is prostitution, although reliable statistics are not available. In August 1999, the Fatah faction of the PLO expanded its operations in the Ain al-Hilwah refugee camp by opening security offices and hiring personnel to maintain order in the camps.

#### *Section 6. Worker Rights*

*a. The Right of Association.*—All workers, except government employees, may establish and join unions and have a legal right to strike. Worker representatives must be chosen from those employed within the bargaining unit. About 900,000 persons form the active labor force, 42 percent of whom are members of 160 labor unions and associations. Twenty-two of the unions, with about 200,000 workers, are represented in the General Confederation of Labor (GCL).

In general the Government does not control or restrict unions, although union leaders allege credibly that in the past, the Government has tried to interfere in elections for union officials.

Palestinian refugees may organize their own unions; however, because of restrictions on their right to work, few Palestinians participate actively in trade unions.

Unions are free to affiliate with international federations and confederations, and they maintain a variety of such affiliations.

*b. The Right to Organize and Bargain Collectively.*—The right of workers to organize and to bargain collectively exists in law and practice. Most worker groups engage in some form of collective bargaining with their employers. Stronger federations obtain significant gains for their members and on occasion have assisted non-unionized workers. There is no government mechanism to promote voluntary labor-management negotiations, and workers have no protection against antiunion discrimination.

There are no export processing zones.

*c. Prohibition of Forced or Compulsory Labor.*—Forced labor is not prohibited by law. In the absence of a prohibition against it, children (see Section 5), foreign domestic servants, and other foreign workers (see Section 6.e.) sometimes are forced to remain in situations amounting to coerced or bonded labor.

*d. Status of Child Labor Practices and Minimum Age for Employment.*—The 1946 Labor Code stipulates that workers between the ages of 8 and 16 may not work more than 7 hours a day, with 1 hour of rest provided after 4 hours. In 1996 the Ministry of Labor amended this law to define workers under the age of 13 as child labor, in accordance with international obligations. Children are prohibited from working between the hours of 7 p.m. and 6 a.m. The code also prohibits certain types of mechanical work for children between the ages of 8 and 13, and other types for those between the ages of 13 and 16. In 1999 the Government passed legislation that prohibits children under the age of 16 from working in jobs that jeopardize their health, safety, or morals and requires that employers give children at least 20 hours of annual leave. In June the Parliament passed amendments to the Labor Code that prohibit children under age 18 from working more than 6-hour days, with 1 hour of rest for days of more than 4 hours of work, and from working between the hours of 7 p.m. and 7 a.m. The proposed amendments would also entitle children to 20 hours of annual paid leave. The Ministry of Labor is responsible for enforcing these requirements; however, it does not apply the law rigorously. Forced and bonded child labor is not prohibited and sometimes occurs (see Section 6.c.).

Children between the ages of 10 and 14 constitute 0.6 percent of the labor force (5,936 children in total), according to 1996 figures. Most of these child laborers are Lebanese, but some are Syrian; they work predominantly in the industrial, craft, and metallurgical sectors. According to a 1995 UNICEF study, 60 percent of working children are below 13 years of age and 75 percent earn wages below two-thirds of the minimum wage. Nearly 40 percent of working children work 10 to 14 hours per day, and few receive social welfare benefits. In addition, approximately 52,000 children between the ages of 15 and 19 are in the active labor force; they are not eligible for the minimum wage until they reach the age of 21.

*e. Acceptable Conditions of Work.*—The Government sets a legal minimum wage, currently about \$200 (300,000 Lebanese pounds) per month. The law is not enforced effectively in the private sector. In theory the courts could be called upon to enforce it, but in practice they are not. The minimum wage is insufficient to provide a decent standard of living for a worker and family. Trade unions attempt to ensure the payment of minimum wages in both the public sector and the large-scale private sector.

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The Labor Law prescribes a standard 6-day workweek of 48 hours, with a 24-hour rest period per week. In practice workers in the industrial sector work an average of 35 hours a week and workers in other sectors work an average of 30 hours a week. Foreign domestic servants, mostly of Asian and African origin, often are mistreated, abused, and raped. The employment contract for a foreign worker is signed by a recruitment agency and the employer; workers rarely are a party to the contract or, if they are a party, do not know what the contract stipulates because it is written in Arabic. The passports of foreign domestic workers are confiscated by the recruitment agency or their employer when the workers arrive at the airport. Foreign domestic servants are not protected by labor laws. Domestic servants often work 18 hours per day and, in most cases, do not receive time off for vacations or holidays. There is no minimum wage for domestic servants; their average wage is about \$100 (150,000 Lebanese pounds) per month. They have no entitlement to government financial assistance. Many foreign workers leave their jobs—which is not against the law—but their employers often report them as thieves to the police in order to locate them and force them to return.

The law includes specific occupational health and safety regulations. Labor regulations require employers to take adequate precautions for employee safety. The Ministry of Labor is responsible for enforcing these regulations, and it does so unevenly. Labor organizers report that workers do not have the right to remove themselves from hazardous conditions without jeopardizing their continued employment.

*f. Trafficking in Persons.*—The law does not prohibit specifically trafficking in persons; however, the Penal Code stipulates that “any person who deprives another of freedom either by abduction or any other means shall be sentenced to temporary hard labor.” If forced prostitution or forced rendering of sexual services occurs as a result of the abduction, the Penal Code stipulates that the abductor be sentenced to at least 1 year in prison. There were no reports that persons were trafficked to, from, within, or through the country.

## LIBYA

The Socialist People’s Libyan Arab Jamahiriya is a dictatorship that has been ruled by Colonel Mu’ammar Al-Qadhafi (the “Brother Leader and Guide of the Revolution”) since 1969, when he led a military coup to overthrow King Idris I. Borrowing from Islamic and pan-Arab ideas, Qadhafi created a political system that rejects democracy and political parties and purports to establish a “third way” superior to capitalism and communism. Libya’s governing principles are derived predominantly from Qadhafi’s “Green Book.” In theory Libya is ruled by the citizenry through a series of popular congresses, as laid out in the Constitutional Proclamation of 1969 and the Declaration on the Establishment of the Authority of the People of 1977, but in practice Qadhafi and his inner circle control political power. Qadhafi is aided by extragovernmental organizations—the Revolutionary Committees and the Comrades Organization—that exercise control over most aspects of citizens’ lives. The judiciary is not independent of the Government.

Libya maintains an extensive security apparatus, consisting of several elite military units, including Qadhafi’s personal bodyguards, local Revolutionary Committees, and People’s Committees, as well as the “Purification” Committees, which were formed in 1996. The result is a multilayered, pervasive surveillance system that monitors and controls the activities of individuals. The various security forces committed numerous serious human rights abuses.

The Government dominates the economy through complete control of the country’s oil resources, which account for almost all export earnings and approximately 30 percent of the gross domestic product. Oil revenues constitute the principal source of foreign exchange. Much of the country’s income has been lost to waste, corruption, and attempts to develop weapons of mass destruction and acquire conventional weapons. Despite efforts to diversify the economy and encourage private sector participation, the economy continues to be constrained by a system of extensive controls and regulations covering prices, credit, trade, and foreign exchange. The Government’s mismanagement of the economy has caused high levels of inflation, increased import prices, and hampered economic expansion, which has resulted in a decline in the standard of living for the majority of citizens in recent years. Significant increases in the world price of oil boosted petroleum revenues this year, masking the negative domestic impact of the country’s economic policy.

The Government’s human rights record remained poor, and it continued to commit numerous serious abuses. Citizens do not have the right to change their government. Qadhafi has used extrajudicial killing and intimidation to control the opposi-